



# LOUISIANA

| Original Wetland Acreage | Remaining Wetland Acreage | Acreage Lost | % Lost |
|--------------------------|---------------------------|--------------|--------|
| 16,194,500               | 8,784,200                 | 7,410,300    | -46%   |

**Louisiana Wetlands:** Palustrine wetlands, which include swamps, scrub-shrub, wetlands, nontidal and tidal fresh marshes, and ponds, are the most common wetlands in Louisiana. The most common palustrine wetlands are swamps (forested wetlands), which contribute about 59 percent of the State's wetlands. Coastal wetlands consist mostly of salt marshes (estuarine emergent wetlands).

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## SUMMARY

### Overall Program

Louisiana regulates coastal wetlands through a combined state/local wetland permitting process. Thousands of acres of freshwater wetlands are subject to the regulatory authority of the Louisiana Coastal Management Program, which is implemented by the Coastal Management Division (CMD) of the Louisiana Department of Natural Resources (DNR). Louisiana does not regulate wetlands outside of the designated Louisiana Coastal Zone (LCZ). The Louisiana Coastal Wetlands Conservation Plan (LCWCP) was adopted pursuant to Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) in 1997. The LCWCP boundary is slightly different than the Coastal Zone Boundary although the two are largely coincident.

Louisiana's Coastal Restoration Program is carried out by the Governor's Office of Coastal Activities and the Coastal Restoration Division (CRD) of the DNR. This program is non-regulatory and has two basic parts - the state restoration program and state participation in CWPPRA. Both parts are subject to the policy guidance established by the "Coast 2050 Plan" to restore the Louisiana coast.

### Innovative Features and New Programs/Initiatives

A coastal wetland resources act, which focuses upon restoration has been adopted; also, a state coastal wetland restoration plan. In addition, a mitigation bank statute and a statute requiring beneficial use of dredged material from navigation channels are in place. The Louisiana Oil Spill Coordinator's Office, the Louisiana Natural Resource Trustee agencies (including DNR), and NOAA are in the process of developing a regional restoration plan concept for use in the Natural Resource Damage Assessment process.

## **State Wetland Conservation Plan**

The LCWCP was adopted pursuant to CWPPRA in 1997. The LCWCP boundary is slightly different than the Coastal Zone Boundary although the two are largely coincident. The LCWCP requires that all unavoidable wetland loss due to regulated activities be compensated, which is essentially a no net loss policy. Compensation in the coincident LCZ/LCWCP boundary is done via the Coastal Use Permit process, but in areas which are in the LCWCP and not in the LCZ, the state monitors Section 404 permit decisions to ensure that compensation is required.

### **No Net Loss/Net Gain Goal**

The LCRP has statutory provisions requiring no net loss. The LCWCP is basically a no-net loss program.

## **INDIVIDUAL FEATURES:**

### **Regulation**

#### **Wetland Regulatory Statutes and Administrative Rules**

State and Local Coastal Resources Management Act. La. R.S. 49:214.21 et. seq. The state issues permits for a broad range of activities in the coastal zone unless a parish has an approved local coastal zone program. Then, the state regulates some uses and local governments others.

Submerged State Lands. La. Rev. Stat. Ann. ## 41-1701-1714. State Lands Office of the Division of Administration issues permits and leases for construction activities or reclamation of state-owned submerged lands.

401 Water Quality Certification is carried out by the Louisiana Department of Environmental Quality (DEQ). This authority is Louisiana's only state-wide regulatory authority over wetlands.

#### **Wetland Definition and/or Delineation; Comparability With Federal Definition**

The "coastal zone" is defined by statute with referral to certain roads and canals. Jurisdiction within the LCZ is determined by elevation and hydrologic characteristics. Jurisdiction is not based on whether or not an area is "wetland," but the wetland status of a permit application site has bearing on the permit decision.

### **Evaluation Methodology**

The Wetland Value Assessment methodology used in CWPPRA is also used by the LCRP.

### **Regulated and Exempted Activities**

State and Local Coastal Resources Management Act: Activities of state concern regulated by the DNR include fill and dredging, activities on state owned lands, energy facilities, publicly funded projects, and mineral activities. Uses of local concern regulated by parishes (if they have an approved program) include piers, camps, jetties, breakwaters, bulkheads, cattledwalks, and private water control structures (less than \$15,000).

Exemptions include areas in current use such as agriculture and forestry, construction of a residence or camp, repairs of existing structures, activities on certain "fastlands", and areas 5 feet above sea level (unless they have direct and significant impact on coastal waters).

Submerged state lands. Exemptions pursuant to the leasing requirements of the State Lands Office include piers, wharves, levees, and flood control structures, temporary structures, duck blinds, shore or bank stabilization works, any highway-related project, activities related to state mineral leases, pipeline rights of way, and commercial and non commercial wharves or piers less than 50 linear feet.

Exemptions for the listed activities are pursuant to the leasing requirements of the State Lands Office and not the regulatory requirements established by the State and Local Coastal Resources Management Act. Most of the exemptions listed are regulated uses pursuant to the Louisiana Coastal Resources Program.

### **Special Provisions for Agriculture and Forestry**

Exemptions for agriculture and forestry apply only to areas currently in such use. Land use changes involving new agricultural or forestry activities would not necessarily be exempt.

### **Penalties and Enforcement**

The LCRP has an administrative fines system as well as access to civil and criminal penalties through the court system.

### **Permit Tracking**

The CMD has a computer-based permit application tracking system, a GIS-based permit records system, and a field investigation based permit monitoring program. The CRD has an extensive field monitoring system with many monitoring stations throughout the coastal area.

### **State General Permit (PGP or SPGP) for 404**

There is a programmatic general permit within the coincident boundaries of the New Orleans District Corps of Engineers and the LCZ. Uses subject to the PGP are separated into two processing categories based on impacts.

### **Assumption of Section 404 Powers**

The DNR investigated 404 assumption under a U.S. Environmental Protection Agency grant but has elected not to pursue it at this time.

### **Joint Permitting**

The CMD of the DNR, the New Orleans District Corps of Engineers, and the Office of Water of the DEQ have a joint public notice agreement. Public notices for activities in the coastal zone which require Coastal Use Permits, Section 404 and Section 10 Permits, and state Water Quality Certifications, respectively, are all published in the Joint Public Notice mail out. Further, all applications are submitted to the CMD of the DNR for distribution to the appropriate agencies.

### **Special Area Management Plans and Advanced Identification Plans**

The state may designate special use zones within the broader coastal zone. Two are in place, the Louisiana Offshore Oil Port and the Marsh Island Wildlife Management Area and Game Reserve.

### **Role of Local Governments**

Uses of local concern are regulated by parishes which have their own coastal program approved by DNR and Office of Oceans and Coastal Resources Management.

## **Staffing**

The CMD has a full-time staff of 39.

## **Water Quality Standards**

### **Wetlands and Water Quality Standards**

The Louisiana Coastal Resources Program is initiating a coastal nonpoint pollution control program in cooperation with the Office of Water of the DEQ.

### **Wetland Definition**

Unknown.

### **Designated Uses**

None.

### **Narrative and/or Numeric Criteria**

None.

### **Antidegradation Policy**

None.

### **Other**

Unknown.

## **Staffing**

Unknown.

## **Mitigation**

### **Mitigation Policy**

Comprehensive mitigation regulations that require no net loss of wetlands as a result of permitted activities are in effect.

### **Mitigation Banks**

The state has approved at least one mitigation bank. Mitigation banks were authorized by a 1991 statute. Mitigation areas have been developed by the private sector as a response to the difficulties of getting agency approval of mitigation banks. These mitigation areas are similar to mitigation banks conceptually, but each has an individual approval process and binding legal agreement. The general purpose of mitigation areas is for the operators to create or restore wetlands and sell credits to permittees who are seeking to compensate for wetlands lost to their permitted activities. There are many approved mitigation areas in and outside of the Coastal Zone.

## **In Lieu Fee Program**

In certain circumstances, applicants are allowed to pay into the Coastal Wetlands Trust Fund for activities which impact wetlands. The Coastal Wetlands Trust Fund monies are then used for wetland restoration.

## **Ad Hoc Arrangements**

No current examples in the Coastal Zone.

## **Mitigation Database**

Louisiana has a GIS-based tracking system to account for losses and gains. It is used to document compliance with the Conservation Plan and in CMD's performance based budgeting process.

## **Staffing**

There are four professional staffers assigned to the CMD Mitigation Section.

## **Monitoring and Assessment**

### **Mapping/Inventory**

Wetland maps have been developed for the entire coastal zone. An extensive Geographic Information System with permit data and habitat/infrastructure overlays is also in place.

The CMD uses Cowardin maps. The CMD, U.S. Geological Survey, and other agencies arrange for a full aerial photographic flight of the Coastal Zone every 3 to 4 years. The agencies involved in coastal restoration have done several status and trends reports. The major conclusion is that Louisiana is losing about 25 square miles of coastal wetlands per year and that the rate has not slowed significantly. Recent development activities are not a significant cause of coastal wetland land loss.

### **Wetland Classification and Assessment**

None.

### **Overall Wetland Gain and Loss Tracking System**

The state tracks: wetlands lost to permitted uses, wetlands created for mitigation of permitted coastal uses; wetlands created by coastal restoration projects; and wetlands created by the Wetland Reserve Program.

### **Staffing**

The CMD has 6 field investigators and CRD has an extensive monitoring staff.

## **Restoration**

### **Program Description**

None.

**Restoration Program Goals**

N/A

**Eligibility Criteria**

N/A

**Restoration Database**

N/A

**Staffing**

N/A

**Public/Private Partnerships****Acquisition Program**

N/A

**Public Outreach/Education**

N/A

**Tax Incentives**

N/A

**Technical Assistance**

N/A

**Other Nonregulatory Incentives for Private Landowners**

A wetland restoration plan is in place. The LCWCP provides state funding (which is administered by the USDA Natural Resources Conservation Service to farmers in the LCZ who wish to participate in the Wetland Reserve Program.

**Wetland Training and Education**

None.

**Watershed Planning**

None.

**Special Problems**

Extensive loss of coastal wetlands due to subsidence, sea level rise, dredging, sediment deprivation and other factors.

The primary causes of coastal wetland loss are due to natural factors and the indirect effects of human-induced land use changes of the past rather than being due to recent human-induced losses.

### **Coordination**

None.

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### **Contact Points**

No website/links identified.

### **Guidebooks, Brochures, Websites, Other Educational Materials**

The CMD provides numerous educational materials to user groups and educational facilities.