

**From the La. Department of
Natural Resources (DNR)**

Louisiana Local Coastal Programs' Outlook

**From Assistant Secretary Keith Lovell
Office of Coastal Management**



Greetings - Local Coastal Management Program Managers and Coastal Management Stakeholders-

The Office of Coastal Management (OCM) continues to work on programs and procedures that we believe will assist stakeholders, in navigating today's complex coastal regulatory challenges. We continue to appreciate the assistance and support we receive from our local program partners in these efforts.

OCM continues to improve upon our needs, alternatives, and justification analysis process to maximize its effectiveness, straightforwardness of application and suitability. Several coastal community resiliency initiatives continue and many more have started. In addition, OCM's revised Mitigation Rule Promulgation has been completed and OCM's beneficial use of dredged material efforts with local, state and federal partners continue to move forward.



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I hope that you find the information in this newsletter useful to your program. Please send any questions, comments or other topics that you would like to see highlighted in future editions to our local coastal program staff. As always, know that the staff of OCM is ready to assist you with all of your coastal management needs.

Sincerely,



*Keith Lovell, Assistant Secretary
Louisiana Department of Natural Resources*



Updated Mitigation Rules Promulgation Process Complete **Submitted by OCM Mitigation Section**

The rules and procedures for mitigation were first promulgated by the Louisiana Department of Natural Resources in August of 1995 in accordance with L.R.S. 49:214.41 and had not been revised since that time. Since that first promulgation, in an effort to ensure that the Office of Coastal Management's regulatory practices regarding its mitigation program remain consistent with the state's Comprehensive Master Plan for a Sustainable Coast, OCM promulgated amendments to those rules and procedures.

In March of 2013, the Fiscal Economic Impact Statement for the first two Subsections was approved and the Notice of Intent was published in the March 2013 issue of the State Register. On January 20, 2014, the last Subsection of LAC43:I.724 Rules and Procedures for Mitigation became Final Rule and was published in the State Register. OCM has worked diligently over the past 6 months to finalize all revisions to the Mitigation Rules and Procedures. During the revision process, OCM posted notification on the LDNR website for the Notice of Intent and Final Rule for each Subsection along with the link to the State Register for public reference. All interested persons were invited to submit written comments on the proposed regulation amendment. There were no public hearing requests and no written comments were received by the deadlines specified in the State Register on any of the revisions. In the initial phase of the revisions to the rules and regulations for mitigation, OCM met with several mitigation banking representatives to discuss proposed language to the mitigation rules and procedures. These comments and suggestions were discussed and considered during the revision process.

The rules and procedure subsections that were revised were: (A) General, (B) Avoidance, Minimization, and Restoration of and Compensation for Potential Wetland Ecological Value Losses, (C) Quantification of Anticipated Net Gains and Unavoidable Net Losses of Ecological Value, (E) Compensatory Mitigation Options, (F) Mitigation Banks, (G) Advanced Mitigation Projects, (H) Individual Compensatory Mitigation Measures, (I) Monetary Contributions to the Affected Landowner, Affected Parish, and/or the Louisiana Wetlands Conservation and Restoration Fund, (J) Selecting Compensatory Mitigation, and (K) Variances from Compensatory Mitigation Requirements. For further information on OCM's compensatory mitigation, please see our web page:

<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=95>



Needs, Alternatives and Justification Analysis Process Improvements Implementation Proves Successful

(Submitted by OCM Permits Section)

In early 2012, OCM began a reassessment of the Needs, Alternatives and Justification Analysis (NAJ) process. This process is used by OCM to evaluate the need for, and alternatives available, for proposed coastal uses which may result in adverse impacts to vegetated wetlands or other sensitive coastal resources. At that time, OCM only had two guides for analysis development. One guide focused on residential subdivision development and the other focused on recreational facilities such as marinas.

Several problems were identified with the two guides. First, the the guides were not specific enough for applicants to prepare the analysis prior to submission of an application; applicants were forced to wait for the OCM to request specific information in order to avoid gathering and processing unnecessary information. Second, the information outlined in the guides was sometimes irrelevant to the activity being proposed; this left no guidance to permit analysts for requesting information or to applicants for providing the information. Third, the guides were not graduated; small, minor impact projects were required to provide the same information and level of detail as larger, more significant impact projects.

To correct this situation, OCM identified twelve types of common coastal uses for which individual NAJ guides should be developed. Historic OCM records of approved activities were investigated for each type of use to identify the acceptable relevant information for that use. This extracted information was then used to developed specific information requests related to each type of use that would clearly demonstrate a public need or demand for the goods and/or services being proposed. The historic OCM records were also used to establish a reasonable range of alternatives for each type of use. Finally, the historic records were used to establish tiers for each use that graduated the level of detail needed in the analysis. Where possible, collaboration with other state and local governmental agencies was done to coordinate informational needs for the purpose of reducing the possibility of duplication of effort by applicants. Each guide was peer reviewed by both internal OCM personnel and external users and adjusted as necessary to incorporate suggestions received. The guides were released for use as they were developed with the last guide being released in early 2013.

Guides have been developed for the following types of coastal uses:

- Commercial Developments
- Drainage Projects
- Industrial Developments
- Levees
- Marinas
- Oil & Gas Facilities
- Pipelines
- Ports
- Recreational Developments
- Residential Developments
- Transportation Projects
- Utility Projects

After approximately one year of use, many benefits of the new guides are being realized, resulting in a much more predictable, consistent and transparent NAJ process. Applicants are using the guides to determine if additional information will be required and what that information will be. They have the tools necessary to begin development of the required analyses prior to submission of an application and therefore expedite processing of their application. OCM is also utilizing the guides to determine, in a predictable and consistent manner, the relevant information and level of detail necessary to evaluate the need for a proposed coastal use. Information requests are more specific and the back and forth of information request from OCM and information submittal from the applicant has been significantly reduced.

With additional outreach and training, OCM will be referring applicants to the NAJ guides during the earliest stages of project development. By using the guides at this stage, applicants will be able to locate and design the least damaging possible option for conducting the proposed activity prior to application submission. This in turn will expedite processing of their application and make the Coastal Use Permit process as user friendly as possible. The guides are available for use on the DNR web page: http://data.dnr.louisiana.gov/ABP-GIS/ABPstatusreport/NAJ_Combined_Document_5_10_2013.pdf

Local Coastal Program Coastal Community Resiliency Efforts

Submitted by OCM Local Coastal Programs Section

In order to assist Louisiana communities in achieving greater coastal resiliency to tropical storms and the corresponding storm surge, riverine flooding and other disasters or emergencies, LCP staff assisted the City of Iowa and the Southwestern and Chenier Plains Parishes (Cameron, Calcasieu, Iberia, St. Mary and Vermilion) as the technical science advisor at two Gulf Coast Resilient Communities Program Workshops in New Orleans. Participants were assisted in the formulation of community resiliency activities that would help better prepare for disasters and emergency events and help to lower risk insurance payments at the first workshop. At the second, workshop, groups reported out on and revised the community resiliency activities that were implemented in their respective areas. The types of activities implemented in the Louisiana communities as a result of workshop participation include:

- performing additional follow up Community Resiliency Indexes (CRI) in the participating parishes to gauge resiliency improvement since the first CRI indexes executed approximately one year before,
- performing additional Community Rating System (CRS) qualifying activities to enable representatives to receive discounts on National Flood Insurance Program (NFIP) rates,
- formation of a Southwestern and Chenier Plains Parishes CRS User Group that will coordinate activities and potentially qualify for even further lower NFIP rates,
- purchasing identified preparedness equipment such as portable electric generators and reentry badge processing machines,
- continuing to coordinate and hold planning meetings and drills with first responders and other parish emergency services personnel to further refine disaster preparedness plans,
- continuing to survey critical area businesses, formulate critical business re-entry procedures, and provide disaster preparedness outreach and response equipment and plans,
- continuing to network with other local communities, state and federal emergency preparedness resource partners, and
- continuing public outreach meetings to area businesses and residents.

OCM staff continues to assist these and other Louisiana coastal communities with these types of disaster preparedness/community resiliency activities. If you would like to receive assistance or for further information please contact: Jon A. Truxillo, Coastal Resources Scientist, at 225.342.3394 or by email at jon.truxillo@la.gov. OCM's Coastal Resiliency Web Page is also available at: <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=101>



State Continues Beneficial Use of Dredged Material Efforts with Federal Agencies and Other Partners

Submitted by OCM Consistency Section

The OCM continues to work with Local, State, Federal Agencies, and other interested parties, to expand beneficial use of dredged material in Louisiana's coastal areas. For example, the State and Ducks Unlimited are working in partnership with the Corps of Engineers and ConocoPhillips, providing supplemental funds to create new beneficial use opportunities along the Houma Navigation Canal in Terrebonne Parish. In addition, the state has offered supplemental funding to the Corps, combined with Coastal Wetlands Planning and Protection Act (CWPPRA) program money to implement projects that make use of material from the maintenance of important federally maintained navigation channels. On the Sabine National Wildlife Refuge (NWR), one beneficial use project will result in the placement of up to 1.8 million cubic yards of material, and will create approximately 460 acres of marsh as well as adjacent mud flats and shallow open water habitat. It is anticipated that this material will be dredged from the Calcasieu Ship Channel during the Corps FY 2014 maintenance dredging cycle. The project will also mark the first use of the CWPPRA Permanent Pipeline, which was constructed specifically to facilitate beneficial use of material from the Calcasieu Ship Channel to the Sabine NWR.



Parish Coastal Management Experts:

Dr. E. deEtte Smythe, PhD

Submitted by OCM Local Coastal Program Section

**Regulatory Manager
St. Tammany Parish Government**

Dr. Elizabeth deEtte Smythe has more than 30 years experience in chemical and civil-environmental engineering applications to surface water quality, hydrology, environmental chemistry and chemo-dynamics. Dr Smythe holds a PhD in Civil Engineering along with a B.S. in Chemical Engineering and a M.S. in Environmental Science. Her work has been documented in more than 100 publications and presentations, and has facilitated the development of equations and protocols that have improved the modeling and predictability of hydrology and pollution impact scenarios that protect vulnerable populations throughout Louisiana and the Gulf Coast Region.

During the last six years with St Tammany Parish, Dr. Smythe has served as the Director of Engineering and is now the Parish Regulatory Manager, where she supervises the Drainage and Regulatory Division. Among their many accomplishments, her team has produced and begun implementing a \$100 Million Levee Master Plan for protection of the Slidell area. Dr. Smythe is the St Tammany Parish liaison to: US Army Corps of Engineers for SELA projects (such as the Slidell Levee System); FEMA Map Modernization (re-modeling DFIRMs and conducting Appeals Resolution) and NFIP/CRS Program (STP CRS Rating class improvement); National Weather Service (SLOSH and riverine modeling), GoHSEP and LDHH for Emergency Operations (assessment, modeling and clean-up of the Pearl River Fish Kill); EPA, LDEQ and LDHH for TMDL implementation (re-modeling, wastewater and stormwater components). Dr. Smythe serves on the Board of Directors for the LA Urban Stormwater Coalition (LUSC) and is the founding Chairman of the first CRS Users Group in LA. Her support to the St. Tammany Parish Local Coastal Program operation has been highly significant. St. Tammany Parish continues to operate a first tier program with Dr. Smythe's invaluable assistance.



Louisiana Department of Natural Resources

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<http://dnr.louisiana.gov/>

