

MEMORANDUM OF UNDERSTANDING

BY AND BETWEEN

**LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
OFFICE OF MULTIMODAL PLANNING
(Hereinafter referred to as "DOTD")**

AND

**LOUISIANA DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT
(Hereinafter referred to as "OCM")**

WHEREAS the State and Local Coastal Resources Management Act of 1978 ("Act") establishes that it is the policy of the State to: protect, develop, and where feasible, restore or enhance the resources of the state's coastal zone; enhance opportunities for the use and enjoyment of the recreational values of the coastal zone; support and encourage multiple uses of the coastal resources consistent with the maintenance and enhancement of the renewable resource management and productivity; and provide for adequate economic growth and development with the minimization of adverse effects of one resource use upon another (La. R.S. 49:214.22); and

WHEREAS a regulatory framework was developed pursuant to those policies and the Department of Natural Resources was given the responsibility to administer the review and permitting of activities occurring in the coastal zone of Louisiana (La. R.S. 49:214.26); and

WHEREAS a specific purpose of the Coastal Management permit process is to ensure timely and predictable decisions on permit applications (La. R.S. 49:214.27(C) (7)); and

WHEREAS the Louisiana Constitution provides that the DOTD has the authority to coordinate and assist in the Port's infrastructure development; and

WHEREAS it has been demonstrated with a working group of cooperating agency and port personnel, that multi-agency pre-application meetings can reduce permitting delays and costs associated with a permit application; and

WHEREAS, it is the purpose of this Memorandum of Understanding between the Louisiana Department of Natural Resources, Office of Coastal Management (OCM) and the Louisiana Department of Transportation and Development, Port Priority Program (DOTD) to establish a process to coordinate applications for port improvement activities occurring within the coastal zone of Louisiana, as defined in RS 49.214.24.

NOW THEREFORE, in order to assist OCM and DOTD in meeting their respective lawful responsibilities, reduce conflicting decisions, eliminate duplication of effort, expedite application processing and assure conformity of action with the Louisiana Coastal Resources Program, **IT IS AGREED THAT:**

- 1) OCM and DOTD will encourage port applicants located within the coastal zone of Louisiana to initiate interagency coordination with OCM, DOTD and other interested regulatory and/or resource agencies prior to application for funding from DOTD or application for a coastal use permit from OCM. This pre-application coordination will include, but not be limited to, a discussion of the project features; possible alternative approaches, configurations or sitings that would reduce adverse impacts to coastal resources; beneficial use of dredged material; and mitigation requirements as outlined in LAC 43:1.723 and 724. The coordination meeting will 1) provide the port applicant with the information necessary to develop proposed activities such that project modifications necessary to ensure conformity with the LCRP are identified early and can be incorporated into project design and cost estimates prior to application for funding; and 2) provides OCM an opportunity to review the proposed activities and suggest alternatives to project design and/or siting that minimize adverse impacts to coastal resources, as required by the LCRP. Follow-up pre-application meetings may be necessary depending on the complexity of the issues raised during the initial meeting, and will be determined on a case-by case basis.
- 2) For port improvement activities which have undergone the above described pre-application coordination, the economic justification review done by DOTD during the normal process of

application review for funding will serve as economic justification review for OCM. DOTD shall forward to OCM, upon completion of economic justification review, a document indicating eligibility status for funding for the proposed port activities. A determination of "eligible for funding" from DOTD shall be interpreted by OCM as demonstrating adequate economic justification for adverse impacts to coastal resources that may result from the proposed port activities. Pre-application meetings referenced in Section 1 above will be utilized to ensure that adverse impacts to coastal resources are avoided and/or minimized to the extent practicable. Be advised it could take three months after an Application to the DOTD Port Priority Program is submitted to have an approved construction program. A determination of "ineligible for funding" by DOTD shall be interpreted by OCM as lacking adequate documentation necessary to demonstrate justification for adverse impacts to coastal resources that may result from the proposed port activities. Projects classified as "ineligible for funding" may still be considered for regulatory permit authorization, but the justification and needs will be reviewed under the OCM program guidelines.

- 3) For the purposes of beneficial use of dredged material, OCM considers the placement of dredged material for building property for Port expansion and development a beneficial use provided that use of the dredged material is in conformance with the Port's plan of development and serves the public purpose.
- 4) OCM will work with the Ports and DOTD to complete a public notice ready draft OCM General Permit for routine port maintenance and improvement activities within 90 days of the effective date of this Memorandum of Understanding. That process will include specifying the types of activities to be authorized and implementing procedures for obtaining such authorization. This General Permit will allow expedited review of coastal use permit applications for covered port activities. OCM and DOTD will collaborate with the U.S. Army Corps of Engineers to facilitate Corps timely approval of items along federally maintained navigation channels.

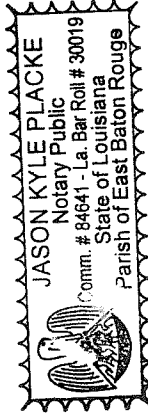
IN WITNESS WHEREOF, this Memorandum of Understanding has been signed in triplicate originals by the undersigned duly authorized representatives, in the presence of the undersigned competent witnesses, on the dates indicated below.

**LOUISIANA DEPARTMENT OF TRANSPORTATION
AND DEVELOPMENT**

WITNESSES: *Sharon J. Balfour*
Signature
SHARON J. BALFOUR
Printed Name
Karen LaFleur
Signature
Karen LaFleur
Printed Name
Notary Public
JASON K. PLACKE

By: *Dennis Decker*
Dennis Decker, Assistant Secretary
Office of Multimodal Planning and Programming
Date: April 16, 2012

Commission/Bar Roll Number: 30019
My Commission expires: AT DEATH



LOUISIANA DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

WITNESSES:

Phyllis Ortego
Signature

Phyllis Ortego
Printed Name

Karl L. Morgan
Signature

Karl L. Morgan
Printed Name

D.C. Smith, III
Notary Public

D.C. Smith, III

Commission/Bar Roll Number: 40979

My Commission expires: at death

By: [Signature]

Stephen Chustz, Assistant Secretary
Office of Coastal Management

Date: 4/5/12