



# THE SCENIC RIVERS PROGRAM & RECENT LEGISLATION





# The Establishment of the Louisiana Scenic Rivers System

The Scenic Rivers Act created the Scenic Rivers System in 1970

## Purpose

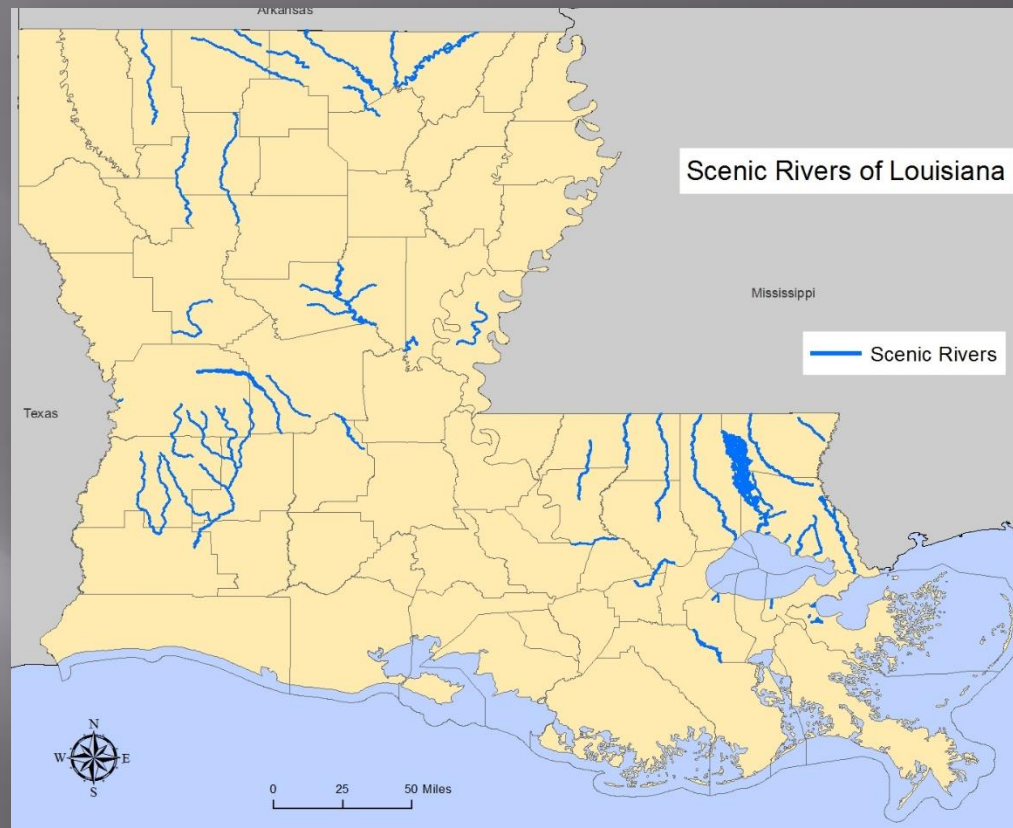
*This system shall be administered for the purposes of **preserving, protecting, developing, reclaiming, and enhancing the wilderness qualities, scenic beauties, and ecological regime** of certain free-flowing streams or segments thereof.*

*This system shall further be administered for the purpose of **preserving aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources** found along these streams or segments thereof.*



# System Streams

- There are currently over 80 streams in the System
- Approximately 3000 miles creeks, rivers, and bayous
- The System may grow from the nomination and subsequent acceptance of additional streams or stream segments
- Similarly, System streams may be nominated for removal from the system – none have been removed since the early 1990's (Bayou Penchant)





# Our Scenic River Duties Include:

- Complaint investigation
- Technical assistance
- Permitting system for activities that may degrade streams
- Coordinated enforcement action
- Monitoring and surveying of waterways and adjacent lands
- Development of Management Plans





# Activities Requiring a Permit Include:

- Crossings by roads, railroads, pipelines, or utilities
- Point Source Discharge of any pollutant with concurrence of LDEQ
- Prospecting, drilling and mining for natural resources (e.g. sand, gravel, oil, gas)
- Structures and buildings of any kind or size
- Piers, boat slips, bulkheads, houseboats, and landings
- Commercial uses, activities and access
- Water withdrawals
- Mooring of houseboats (with exceptions)



# Rules and Regulations

## Prohibited Activities:

- I. Clearing and snagging
- II. Channelization
- III. Channel realignment
- IV. Reservoir construction
- V. Commercial clear cutting of trees within 100 feet of ordinary low water
- VI. Use of ATVs on System Streams
- VII. Any use requiring a permit where a permit has not been obtained



# Rules and Regulations

## Prohibited Activities

*the practice of changing a natural stream, or segment thereof, into a man-made ditch or canal with channels of a relatively uniform width and depth ...  
...for the purpose of accelerating runoff*

I. Clearing and snagging

II. Channelization

III. Channel realignment

IV. Reservoir construction

V. Commercial clear cutting of trees within 100 feet of ordinary low water

VI. Use of ATVs on System Streams

VII. Any use requiring a permit where a permit has not been obtained

*the practice of removing most obstructions, trees, snags, and other impediments that retard the natural stream flow*



# Current Exceptions to Dredging & Snagging Prohibitions

- Will not prohibit the USACE from perform routine maintenance and dredging for navigation and flood control purposes on portions of the **West Pearl River, Bayou LaCombe, and the Tchefuncte River.**
- Will not prohibit the USACE from constructing the Comite River Diversion Canal and related structures within the **Comite River** for the purpose of flood control.
- Snagging operations for drainage purposes in **Bayou Chinchuba** may be permitted by the department.
- Snagging and dredging operations for drainage purposes in the **Tangipahoa River**, from the Interstate 12 crossing to its entrance into Lake Pontchartrain, may be permitted by the department.
- The department shall permit the construction of flood control projects on **Bayou Manchac** as well as snagging and dredging operations.





# Senate Bill 132 / Act No. 189 Extends Exceptions

Provides an exception for portions of **Bayou Manchac**, the **Comite River**, **Amite River**, **Tchefuncte River**, **Abita River**, **Bogue Falaya River**, and **West Pearl River** from provisions of the natural and scenic rivers program which prohibit Clearing and Snagging and Dredging.





# Senate Bill 132 / Act No. 189 Amends the Scenic Rivers Act

§1855. *Exceptions*

\* \* \*

M.(1)

\* \* \*

(2) Notwithstanding other provisions of R.S. 56:1853, clearing and snagging, and dredging operations for drainage purposes, in Bayou Manchac shall be permitted by the department. ~~Any such permit shall be issued~~ in accordance with the requirements and procedures provided for in R.S. 56:1849.

\* \* \*

O. Notwithstanding other provisions of R.S. 56:1853, clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or federal government for drainage purposes in the Amite River, Tangipahoa River, West Pearl River, Tchefuncte River, Bogue Falaya River, Abita River, and Comite River shall be permitted by the department in accordance with the requirements and procedures provided for in R.S. 56:1849.



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# Requires that the Activity is Permitted in Accordance with R.S. 56:1849

## §1849. Evaluation and Permitting

- Prior to the activity commencing, a permit must first be obtained from the administrator.
  
- The final decision on a permit application shall include an evaluation of impacts to the following criteria:
  - (1) Wilderness qualities
  - (2) Scenic values
  - (3) Ecological regimes
  - (4) Recreation
  - (5) Fish and other aquatic life
  - (6) Wildlife
  - (7) Historical and archaeological
  - (8) Geological
  - (9) Botanical
  - (10) Water quality
  - (11) Cultural
  - (12) Economics
  
- A person who is denied a permit by the department may institute legal proceedings against the department in the 19th Judicial District Court.



# A Provision of Senate Bill 132 / Act No. 189

Senate Bill 132 / Act No. 189 does not become effective until June 30, 2018.

- This provision was to allow time for essential watershed modeling to be completed to better inform decisions.
- Regardless of the modeling results, due to the potential negative impacts, we still expect any dredging or snagging proposals to be very contentious.



# QUESTIONS?

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# Past Permitting Decisions on Dredging and Snagging

## SRP 474

Permit issued in 1999 for the **clearing and snagging of Tangipahoa River** from LA Hwy 22 to Lake Pontchartrain.

## SRP 639 - 648, 652, 657 - 665, 675, 677, 678, 726

24 Emergency permits issued for the **removal of Hurricane Katrina debris from Scenic Rivers in St. Tammany and Washington parishes** from 2006-2008.

## SRP 763

Permit issued in 2009 for the **clearing and snagging of Tangipahoa River** from LA Hwy 22 to Lee's Landing.

## SRP 946

**Permit rescinded for desnagging Tangipahoa River** from Lee's Landing to LA Hwy 22 because it was determined to be for navigation and not flood control (Exception J of Scenic Rivers Act allows for snagging and dredging for drainage purposes, not navigation).

## SRP 1000

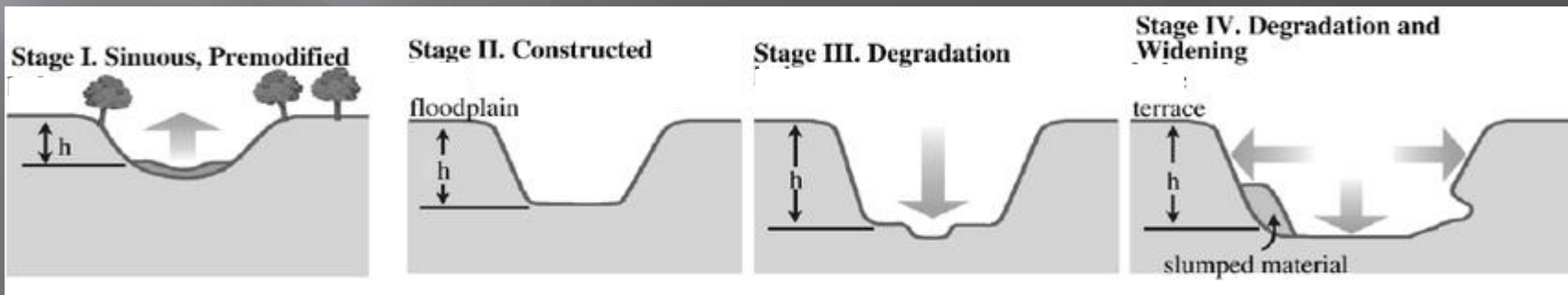
Permit issued in 2017 for the **dredging the mouth of the Tchefuncte River** for navigation and flood control purposes.

➤ In summary, we identified **26 issued permits** and **1 rescinded permit**.



# A Few Concerns with Dredging

- Loss of bedform diversity and habitat
- Reduction of vertical and lateral stability within the channel
  - May initiate a headcut or otherwise cause stream incision
  - The deepened channel will adjust or evolve eroding its banks
  - Infrastructure and private property may be damaged
  - Riparian habitat may be lost
- Disconnects stream from its floodplains and lowers the water table
  - Functions which maintain water quality are lost
  - Adjacent wetland hydrology may be impacted
  - Flow regimes may be drastically changed
- May increase flooding downstream of the activity
  - Loss of flood water storage
  - Quicker delivery of flood flows







# Concerns with Snagging

- Loss of fisheries habitat
- Loss of habitat for important plants, insects, and invertebrates
- Results in higher energy and erosion
- Decreased oxygenation and water quality
- Decreases bed form diversity

