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SCOTT A. ANGELLE
SECRETARY

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT

July 20, 2012

0335277757

Ms. Joelle Gore, Acting Chief
Coastal Programs Division
NOAA/Office of Ocean and Coastal Resource Management
1305 East West Highway
SSMC4, Room 11305
Silver Spring, MD 20910

RE: State of Louisiana Request for Routine Program Change to Modify the Inland Boundary of the Louisiana Coastal Zone to the Louisiana Coastal Resources Program

Dear Ms. Gore:

It is with great pleasure that I inform you that on June 8, 2012, Act 588 was signed which modified the inland boundary of the Louisiana Coastal Zone. Attached, please find a document entitled: *Routine Program Change Analysis of the 2012 Modification of the Inland Boundary of the Louisiana Coastal Zone* and draft public notice of the routine program change. By means of this correspondence, the Louisiana Department of Natural Resources' Office of Coastal Management (LDNR/OCM) hereby notifies NOAA's Office of Ocean and Coastal Resource Management of LDNR/OCM's intent to make a routine program change to its federally approved coastal zone management program. LDNR/OCM looks forward to working with NOAA to complete this routine program change.

DNR/OCM has coordinated the preparation of this material with Josh Lott of your staff and look forward to your concurrence with our findings. If you should have any questions or comments, please contact Keith Lovell at (225) 342-9052 or via e-mail at Keith.Lovell@la.gov.

Sincerely,

Stephen Chustz
Assistant Secretary

Enclosure(s)

C: Josh Lott, NOAA/OCRM

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ROUTINE PROGRAM CHANGE

ANALYSIS OF THE 2012 MODIFICATION OF THE INLAND BOUNDARY OF THE LOUISIANA COASTAL ZONE

NATURE AND DESCRIPTION OF PROGRAM CHANGE

The delineated boundary of the coastal zone was federally-approved in 1980, as part of the Louisiana's Coastal Resources Program (LCPR). Within the past thirty years the boundary had not been altered. Yet Louisiana's dynamic deltaic landscape has changed, new federal and state coastal programs have been created, and political decisions of past decades are being reconsidered. The Louisiana Department of Natural Resources' Office of Coastal Management (LDNR/OCM) manages the LCRP for the state. This Routine Program Change (RPC) would begin to address some of these evolving features of "Coastal Louisiana" by modifying Louisiana's Coastal Zone (CZ) boundary, which would add new areas to the CZ, remove areas from the existing CZ, without adding new parishes¹ to the CZ.

In 2010, the Louisiana Legislature's Act 956 authorized inclusion of all or part of Ascension Parish in the CZ. The legislature commissioned an associated study to examine the adequacy of Louisiana's entire CZ inland boundary, yielding the 2010 report; Defining Louisiana's Coastal Zone: A Science-Based Evaluation of the Louisiana Coastal Zone Inland Boundary. In May 2011, Louisiana's Coastal Protection and Restoration Authority formally approved this report and its recommendations of modifying Louisiana's CZ. In May 2012, per the recommendation of this science-based study the Louisiana Legislature passed HB 656 which essentially adopts the coast-wide update of the inland boundary of Louisiana's CZ. This measure authorizes the 2012 modification of the Louisiana inland CZ boundary, resulting in a net increase of the CZ area. It should be noted that the legislature did not include language in the bill that would have created a "two-tier" CZ boundary structure as was discussed in the science-based evaluation report; the legislation simply revised the inland boundary of the CZ.

When coastal zone management was a newly developed concept in the mid 1970's the scope of management was not as great of a need as it is today post Katrina. The post Katrina era of coastal zone management in Louisiana increased attention to the effects of climate change in coastal areas. Since 1975 data collection and associated scientific analysis capabilities have improved as more technical tools and data become available for Louisiana's 2010 CZ re-evaluation study. Examples include LIDAR topographic imagery and the National Oceanic and Atmospheric Administration (NOAA)'s Sea, Lake, and Overland Surges from Hurricanes (SLOSH) models of storm surge. These scientific capabilities contribute to a better understanding of the vulnerability of the new CZ area to sea level rise, land subsidence, hurricane surge, and other significant flooding hazard issues. Implementation of Louisiana's Coastwide Reference Monitoring System has positioned hundreds of continuous data-collecting monitoring stations throughout the

¹ In Louisiana, a "parish" is a political unit equivalent to a county

coastal area. Data collected relates to changes in elevation, salinity, and numerous other environmental parameters. It should be emphasized that the new CZ area is increasingly viewed as an area of Louisiana that is subject to a heightened level of coastal processes. According to the SLOSH models all portions of this newly added area could be subject to potential inundation by worst-case scenario tropical storm surge.

This Routine Program Change is consistent with La. R.S 214.23 (5), which defines the “coastal zone as ...

“... the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in R.S. 49:214.24, which are strongly influenced by each other, and in proximity to the shorelines, and uses of which have a direct and significant impact on coastal waters.”

Aquatic habitats in coastal streams and wetlands bear the cumulative effects of land and water uses throughout the entire contributing watersheds above those receiving waters and wetlands. These impacts tend to be greater downstream from zones of higher population density. The 2012 modification to Louisiana’s inland CZ boundary extends north of the Houma metro area, one of the ten largest cities in Louisiana, and includes other smaller municipalities such Thibodaux, Bayou Cane, Raceland and Franklin, providing opportunities for greater interagency coordination of coastal zone management in these areas.

The nearby receiving waters and wetlands newly-incorporated into the CZ provide critical habitat for estuarine biota such as blue crabs, white-tipped mud crabs, striped mullet, brown shrimp, and many species of birds. Though no new watersheds are being included in the CZ, several thousand additional acres of marsh, swamp, bayou, and lake will now lie within the CZ and be regulated as such. An example, Lake Salvador, one of Louisiana’s largest estuarine lakes, which previously had approximately 88% of its shoreline in the CZ, now 100% of its shoreline is within the CZ, constituting an incremental step forward in the protection of coastal resources, yet not a substantial change in the LCRP.

The modified coastal zone boundary is depicted in Figures 1, 2 and 3.

FIGURE 1

http://dnr.louisiana.gov/assets/OCM/CoastalZoneBoundary/CZB2012/maps/Overview_of_Revised_CZB.pdf

FIGURE 2

http://dnr.louisiana.gov/assets/OCM/CoastalZoneBoundary/CZB2012/maps/Outreach_Map.pdf

FIGURE 3

http://dnr.louisiana.gov/assets/OCM/CoastalZoneBoundary/CZB2012/maps/Overview_of_Changes_Imagery.pdf

JUSTIFICATION AND ANALYSIS

This Routine Program Change modifies Louisiana's CZ boundary and constitutes a net increase in the CZ area. The existing CZ comprises approximately 29% of Louisiana's area and will increase to approximately 32% of the state's area. Of the 20 parishes currently in Louisiana's CZ, ten will not change, eight parishes will have some increase area, and two parishes will have a reduction in the CZ. Of the eight parishes with increasing area, half have an approved Local Coastal Program and will experience a relatively minor incremental extension of activities already being administered in these parishes. Please find a Parish-by-Parish description of the revisions below:

Calcasieu Parish

The southeast portion of Calcasieu Parish was added to the coastal zone, with the largest areas located southwest of Lake Charles, LA and wetland areas influenced by the Calcasieu River. The areas added to the coastal zone in Calcasieu Parish are primarily tidal coastal marshes. There are also some wet agricultural and pasture lands that were added to the coastal zone in this Parish.

Cameron Parish

All of Cameron Parish is now included in the coastal zone. The areas that were added to the coastal zone are in extreme north Cameron Parish are primarily tidal coastal marshes and coastal prairie.

St. Mary Parish

All of St. Mary Parish is now included in the coastal zone. The areas that were added to the coastal zone include the area of the Bayou Teche ridge – much of this area is already developed. The land uses in this area are residential and commercial use and agriculture. There are forested wetland areas located both inside and outside the Atchafalaya Basin. The forested wetland areas added to the coastal zone are primarily located south of Lake Palourde.

Iberia Parish

The Lake Peigneur and Jefferson Island area in western Iberia Parish was added to the coastal zone. The portion of Iberia Parish in the Atchafalaya spillway was also added and a small area of forested wetlands situated in Iberia outside the east Atchafalaya Basin Levee.

St. Martin Parish

That area of Lower St. Martin Parish inside the Atchafalaya Basin was added to the coastal zone. The other area that was added to the coastal zone is a portion of Lake Palourde and surrounding forested wetland areas.

Assumption Parish

All of Assumption Parish is now included in the coastal zone. There are three land use categories that will be included, developed ridge, forested swamp and marsh. The Bayou Lafourche ridge and Bayou L'Ourse ridges are now included in the coastal zone and most

of these areas are already developed primarily with agriculture, residential and some commercial activities. The forested swamps of the Lake Verret basin are also included in the coastal zone

Terrebonne Parish

All of Terrebonne Parish is now included in the coastal zone. The northernmost portion of Terrebonne Parish was added to the coastal zone. Houma, LA and the largely developed ridges south of Houma have been added to the coastal zone. The ridges and elevated lands in the area of Houma are located almost entirely within forced drainage systems. There is also an area of forested wetlands added to the coastal zone in the northwestern portion of Terrebonne Parish.

Lafourche Parish

All of Lafourche Parish is now included in the coastal zone. The northern half of the parish was added to the coastal zone. The area added includes the northern portion of the Bayou Lafourche Ridge, the town of Thibodaux, LA and tidal wetlands including marsh and forested wetland habitat located to the east and west of the Bayou Lafourche Ridge. The developed portions of the Bayou Lafourche Ridge are located almost entirely within forced drainage systems. The land use on the Bayou Lafourche Ridge is primarily agriculture and residential with a small amount of commercial development.

Livingston Parish

The area within the Coastal Zone of Livingston Parish has been reduced. Those areas removed from the coastal zone were located immediately south of Interstate 12 and are at higher elevations and were typically exempt from the coastal program due to the fact that these areas are non-jurisdictional as these land areas are located about the five foot contour and do not have tidal connection with coastal waters of the state.

Tangipahoa Parish

The area within the Coastal Zone of Tangipahoa Parish has been reduced. Those areas removed from the coastal zone were located immediately south of Interstate 12 and are at higher elevations and were typically exempt from the coastal program due to the fact that these areas are non-jurisdictional as these land areas are located about the five foot contour and do not have tidal connection with coastal waters of the state.

It should be noted Louisiana previously recognized the area added at this time is ecologically related to surrounding coastal wetlands and waters, and had included almost all of it within its Coastal Nonpoint Pollution Control Program (CNPCP) area, its Coastal Estuarine Land Conservation Program (CELCP) area, and/or its Coastal Wetlands Conservation Plan (CWCP) area. All of these geographic boundaries have been federally reviewed and approved and these boundaries will not change as a result of this RPC. Any federal actions, federal licenses or permits within these areas are already subject to review if warranted to ensure any potential effects on coastal uses or resources. Field biologists and other staff of LDNR/OCM who have investigated much of this area for CWCP compliance routinely traverse the newly-added areas of the CZ as they travel to

and from the adjoining territory previously in the CZ. LDNR/OCM staff currently reviews and comments on U.S. Army Corps of Engineers (USACE) 404 and Section 10 permit applications in this area. LDNR/OCM has reviewed mitigation bank proposals in this area. By virtue of the area's current inclusion in the CWCP the existing policy already allows appropriate compensatory mitigation for coastal wetland loss to be directed into this zone. All parishes with the exception of Assumption that will experience an increase of territory lying within the CZ either has an approved Local Coastal Program (Lafourche, Terrebonne, Calcasieu, Cameron), or participates in the Atchafalaya Basin Program (Iberia, St. Mary, St. Martin), which is also administered by LDNR/OCM. Assumption Parish has neither a LCP nor ABP association, but has previously had over half of its area in the CWCP and periodically patrolled by LDNR/OCM staff. Thus, the LDNR/OCM staff has already established a significant degree of familiarity with the geographic area being added by performing reviews of activities in these parishes.

In addition, coastal Louisiana is also subject to regulation by other state agencies. The Department of Wildlife and Fisheries, the Department of Environmental Quality, and the Department of Health and Hospitals, address natural resource issues such as nonpoint source water pollution, wildlife habitat management, and safeguarding the health of shellfish beds. It is important to note the LDNR/OCM regularly coordinates with these environmental regulatory agencies through established memoranda of agreement, pre-project interagency meetings, and other forms of regular comment and dialogue. The local government entities provide further regulation by issuing permits, such as subdivision, building construction, and occupancy permits. The affected parishes have active drainage boards, some are developing zoning programs, and manifesting awareness of natural hazard issues such as; storm surge, an appreciation of flood storage functions, and values of the estuarine wetlands that are being added to the CZ by this routine program change. These organizational structures can help provide a springboard for a parish to develop a Local Coastal Program, just as it has been done in ten other parishes in Louisiana providing opportunities for an enhanced level of coordination with the State in the field of managing coastal resources. In consideration of these established governmental responsibilities, and pre-existing interagency coordination arrangements, the addition of the subject area to the CZ would not represent a substantial functional program change.

ADDRESSING THE FIVE PROGRAM CHANGE APPROVAL AREAS.

The State of Louisiana respectfully interprets the change being made, as described herein, as a Routine Program Change rather than an amendment to the LCRP because it does not substantially change any of the five (5) Program Approval Areas listed at 15 CFR Part 913, Subpart H Section 923.80(d), which are as follows: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and (5) coordination, public involvement and national interest. Further explanation is given below, as follows:

First, the extension of the area in the LCRP CZ does not change uses subject to management. It does not change existing regulatory authority, but rather applies existing authorities of the State and Local Coastal Resources Management Act to a locality of Louisiana which has been added into the CZ.

Second, the 2012 LCRP CZ modification does not change the regulatory procedures for special area management. There are no Special Management Areas in the area that is being added to the revised CZ; therefore, this issue is not relevant.

Third, as noted earlier, adoption of the 2012 CZ RPC change to the LCRP does not result in a substantial change in the geographic CZ of Louisiana. The area(s) added to the CZ increased the percentage of the CZ compared to the area of the whole state by only 3%. While this increase of territory is now being formally added to the CZ, it should be noted that Louisiana has already recognized much of this area has a significant relationship to the coast and has included it within its Coastal Nonpoint Pollution Control (CNPCP) area, its Coastal Estuarine Land Conservation Program (CELCP) area, and its Coastal Wetlands Conservation Plan (CWCP) area. Thus, LDNR/OCM is familiar with this added increment of area and factors some consideration of this territory into the current decision making process. For these reasons, this adjustment of the Louisiana CZ would not represent a substantial program change, as the LDNR/OCM staff is already engaged in monitoring and reviewing activities in these areas.

Fourth, the 2012 LCRP modification to the CZ does not add any enforceable policies to the LCRP. Implementation of this change requires no change of existing authorities and will be accomplished using existing authority conveyed by the SCLRMA, current regulations (especially the Coastal Use Guidelines) which constitute the primary enforceable policies and mechanisms of the LCRP, by developing internal standard operating procedures for staff, and by education of constituents and stakeholders.

Louisiana recognizes this newly included area has an ecological affinity relationship to the rest of the coast. The state has previously included much of this area in CWCP and almost all of it in the CNPCP area. The 2010 boundary report to the CPRA states regarding the area recommended to be added to the CZ coast-wide:

“...Clearly, the area of coastal Louisiana subject to a high level of coastal processes where activities would result in impacts to wetlands and have direct and significant impacts on coastal waters should be included within the ...[coastal zone] and should be managed by the strongest tool available, the coastal use permit (CUP) process.”

Fifth, incorporation of this new area into the LCRP CZ does not make substantial changes to coordination, the national interest or federal consistency procedures. For example, the area is subject to Sec. 402 and 404 of the Clean Water Act regulation and the Act's Sec. 401 Water Quality Certification and state water quality standards, among other regulatory requirements. Through the Coastal Wetlands Conservation Plan, the LCRP has been involved in review of “Federal License or Permit” activities associated

with 404 and Section 10 permits, reviewing several dozen of these per year in the modified area of the coastal zone. This CZ modification is not expected to affect federal agency activities because federal agencies are required to seek consistency determination if undertaking projects in the area that would have direct and significant impact upon coastal uses and resources. This CZ modification updates the existing management program to better conform to the principles of integrated coastal management concepts of ecosystem based management by including coastal wetland habitat and eliminating arbitrary bulges in the boundary. This RPC adds no additional parish to the CZ, though there is an incremental increase in CZ area. It is recognized this could presumably mean some increase in the amount of coastal use permitting, intergovernmental activity, and federal consistency determinations within the overall state program. However, a study of projected increased permit activity, based on the observed level of USACE permit activity, anticipates the additional state permit workload will be relatively small, less than 10% for the program, which is well within the range of annual fluctuation of state permit numbers.

PUBLIC NOTICE

ANNOUNCEMENT OF ROUTINE PROGRAM CHANGE THE 2012 MODIFICATION OF THE INLAND BOUNDARY OF THE LOUISIANA COASTAL ZONE

In accordance with the regulations of the federal Coastal Zone Management Act (15 CFR 923.80-84), the Louisiana Coastal Resources Program (LCRP) which is administered by the Louisiana Department of Natural Resources Office of Coastal Management (LDNR/OCM), is submitting documentation for the 2012 Modification of the Inland Boundary of the Louisiana Coastal Zone to the National Oceanic and Atmospheric Administration's Office of Ocean and Coastal Resource Management (NOAA/OCRM) for its review and approval for inclusion as a Routine Program Change of the LCRP.

Background: 2012 Modification of the Inland Boundary of the Louisiana Coastal Zone of the LCRP

This Routine Program Change modifies Louisiana's coastal zone boundary and constitutes a net increase in the coastal zone area. The existing coastal zone comprises approximately 29% of Louisiana's area and will increase to approximately 32% of the state's area. Of the 20 parishes currently in Louisiana's coastal zone, ten will not change, eight parishes will have some increase area, and two parishes will have a reduction in the coastal zone. Of the eight parishes with increasing area, half have an approved Local Coastal Program and will experience a relatively minor incremental extension of activities already being administered in these parishes. The proposed routine program change would modify Louisiana's coastal zone boundary as set forth in the document, *Routine Program Change Analysis of the 2012 Modification of the Inland Boundary of the Louisiana Coastal Zone*, which will result in the application of all existing enforceable policies and mechanisms of the State and Local Coastal Resources Management Act (SLCRMA) through which the OCM implements the LCRP.

Background: The Routine Program Change Process

The federal Coastal Zone Management Act (CZMA) was passed by the United States Congress in 1972. The CZMA provided that states could develop coastal management programs subject to federal approval and oversight. In response, Louisiana enacted the State and Local Coastal Resources Management Act (SLCRMA) of 1978, and the state developed the LCRP pursuant to the SLCRMA.

The LCRP received federal approval in 1980, and the state has accepted federal assistance through grants issued through NOAA since that time. In order for a state to continue to be eligible to receive such grants, its program must abide by the CZMA and its regulations.

A requirement (15 CFR 923.80-84) of the CZMA regulations is that any changes to a state program must be reviewed by NOAA/OCRM to determine if the changed program still meets approval criteria. Amendments are defined under 15 CFR 923, Subpart H, Section 923.80(d) as substantial changes in one or more of the five program areas identified in subpart B through F of part 923. These five program areas are as follows: (1) uses subject to management; (2) special management areas; (3) boundaries; (4) authorities and organization; and, (5) coordination, public

involvement, and national interest. A Routine Program Change (RPC) is a further detailing of a state's program that does not result in a substantial change to one or more of the five program areas.

INFORMATION ABOUT THE 2012 MODIFICATION OF THE INLAND BOUNDARY OF THE LOUISIANA COASTAL ZONE OF THE LCRP and associated approval and guidance documents may be obtained from O. C. Smith, Office of Coastal Management, P.O. Box 44487, Baton Rouge, LA 70804, or by calling 225.342.7591 or 1.800.267.4019. All documents may also be viewed online at the following web address:
<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=928>

COMMENTS ON THE ROUTINE PROGRAM CHANGE

The Routine Program Change Request for the 2012 modification of the inland boundary of the Louisiana Coastal Zone was received by NOAA/OCRM on July 25, 2012, and they have four weeks to review it. Any comments on whether this action should be considered as a Routine Program Change should be sent to NOAA/OCRM within three weeks of the date of issuance of this notice at the following address:

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NOAA/OCRM SSMC4
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