

Volume 3

**LOUISIANA
COASTAL NONPOINT POLLUTION CONTROL
PROGRAM**

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation and coordination with

**Office of Water Resources
Louisiana Department of Environmental Quality**

October 1995

Louisiana's Coastal Nonpoint Pollution Control Program

**VOLUME 3
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SECTION A

SUMMARY OF EXISTING LOUISIANA STATUTES AND REGULATIONS

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

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July 1995

LOUISIANA FERTILIZER LAW

LA R.S. 3: 1311-1373

PURPOSE: To maintain content standards and set restrictions on the sale of fertilizer within the state. This law requires the registration of anyone who manufactures or sells fertilizer and the proper labeling of the fertilizer including weight and ingredient percentages. This law also sets minimum percentage levels by weight of elemental ingredients.

AUTHORITY: Louisiana Fertilizer Commission (LFC)

ENFORCEMENT: Regulates the manufacturing and sale of fertilizer with enforcement by the LFC which allows the sale or destruction of fertilizer not within the requirements of the law. The application of fertilizer is unregulated by enforceable policies of this law, but the LFC powers could be amended to include application.

LOUISIANA LITTER CONTROL AND RECYCLING COMMISSION

LA R.S. 25: 1101-1120

PURPOSE: To control and reduce litter, and create and coordinate separation and recycling programs. The Louisiana Litter Control and Recycling Commission is responsible for public education, coordination between agencies and local governments, voluntary campaigns, abatement programs, awarding of grants, plan development, and enforcement of laws regarding litter control and recycling efforts.

AUTHORITY: The Louisiana Litter Control and Recycling Commission within the Louisiana Department of Culture, Recreation, and Tourism (LDCRT)

ENFORCEMENT: Enforced by the LDCRT with fines and/or imprisonment for littering from motor vehicles OR water craft on roads and beaches.

LOUISIANA PESTICIDE LAW

LA R.S. 3: 3201-3377

PURPOSE: A comprehensive law covering: the use of pesticides; the formulation of rules and regulations; regulation of pesticide manufacture, sale, and distribution; application: establishment of pesticide waste plan and; restriction of use of pesticides. The application of pesticides is addressed in the areas of pesticide waste and water pollution which allows the commissioner of agriculture to take mitigation actions when the pesticide concentration in any area is a threat to humans or the environment.

AUTHORITY: Louisiana Department of Agriculture (LDA)

ENFORCEMENT: The sale, counseling, and application is restricted through a competency examination. The statewide pesticide waste plan delegates authority to the commissioner of agriculture to take mitigation actions in the case of threat to human health or the environment in the form of limiting or prohibiting application in effected areas.

LOUISIANA HAZARDOUS WASTE CONTROL LAW

LA R.S. 30: 2171-2207

PURPOSE: The Hazardous Waste Control Law regulates hazardous substances and mandates strict compliance with the standards set for the generation, storage, transportation, and disposal of such waste. The law sets a framework for the regulation,

monitoring, and control of the above factors and authorizes the development, implementation, and enforcement of the program. Disposal includes discharge onto land or into waters of the state, including groundwater.

AUTHORITY: The Hazardous Waste Advisory Board within the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Violations of regulations are subject to fines and/or imprisonment as set forth in the law to cover pollution of lands and waters.

LOUISIANA SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY LAW

LA R.S. 30: 2151-2161

PURPOSE: A law designed to develop a solid waste management plan to encourage the maximum use of resource recovery procedures, to regulate pollution caused by solid waste disposal practices, including the transportation, processing, and resource recovery. The location, construction, operation, and maintenance of solid waste disposal facilities is regulated. The law adopts and promulgates rules, regulations, and standards for the processing, resource recovery, and use for agricultural, silvicultural, and horticultural solid wastes and sewage sludges.

AUTHORITY: Office of Solid and Hazardous Waste of the Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: No enforceable regulations are set forth in this law, but the law directs the secretary of LDEQ to prepare of rules and regulations to carry out the purpose and intent of the law.

LOUISIANA COASTAL WETLANDS CONSERVATION AND RESTORATION PROGRAM

LA R.S. 49: 214.1-214.5

PURPOSE: To develop and implement a comprehensive program for the conservation and restoration of coastal vegetated wetlands.

AUTHORITY: Louisiana Department of Natural Resources (LDNR)

ENFORCEMENT: No enforceable policies exist within this program, only the program to carry out the conservation and restoration projects.

LOUISIANA STATE AND LOCAL COASTAL RESOURCES MANAGEMENT ACT

LA R.S. 49: 213.1-214.41

PURPOSE: To protect, develop, and where feasible, restore or enhance the resources of the state's coastal zone. This includes the development and implementation of the coastal resources management program to enable Louisiana to determine the future course of development and conservation of the coastal zone. The law also expresses regulatory and non-regulatory policies for the management of the coastal zone and its resources. This includes the review and issuance of coastal use permits by the LDNR.

AUTHORITY: Louisiana Department of Natural Resources

ENFORCEMENT: Monitoring with enforcement of damage assessment, fines, and/or imprisonment.

LOUISIANA WATER CONTROL LAW

LA R.S. 30: 2071-2088

PURPOSE: To insure the protection and maintenance of the state's waters by adopting a system to control and regulate the discharge of waste materials, pollutants, and other substances into the waters of the state. The wastes include that from water vessels and waste from oil production activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: The LDEQ is required to issue permits, and adopt rules and regulations to enforce the law, but the law itself does not provide any enforcement procedures.

OIL SPILL PREVENTION AND RESPONSE ACT

LA R.S. 30: 4271-4296

PURPOSE: To protect the state's environment from oil spills or releases, and by doing so protect the public health, environment, wildlife, aquatic life, and the economy of the state. The below authority shall set standards, procedures, and requirements for state oil spill contingency plans and oil spill response and cleanup.

AUTHORITY: Office of the Louisiana Oil Spill Coordinator

ENFORCEMENT: Any party including terminal facilities, vessels, or other facility is

liable for costs of damages as well as liability to recover penalties for the value of fish and/or wildlife injured or killed. Terminal Facilities must obtain a discharge prevention and response certificate.

STATE DIVISION OF HEALTH

LA R.S. 40: 1-5.10

PURPOSE: To execute the sanitary laws of the state and abate menace to the public health. This includes protection of the public health against disease or infection from infectious waste, improper disposal of sewage, and unsanitary water for drinking or recreation. The pollution of streams or rivers from such wastes is particularly prohibited.

AUTHORITY: State Health Officer, Office of Public Health, Louisiana Department of Health and Hospitals (LDHH)

ENFORCEMENT: The state health officer has the authority to suspend or revoke health permits, impose fines for violation of any of the sanitary code violations.

FORESTS AND FORESTRY, PROTECTION AND REFORESTATION

LA R.S. 3: 4271-4296

PURPOSE: To protect, conserve, and replenish the forests of the state and to promote the growing of suitable and useful timber trees within the state.

AUTHORITY: The Louisiana Forestry Commission

ENFORCEMENT: No enforceable regulations are contained within this law except for

some fire prevention, and gathering of certain fruits.

GARAGES AND OIL STATIONS

LA R.S. 32: 531-532

PURPOSE: To restrict the location of garages and oil stations within 300 feet of bridges over waterways within the state.

AUTHORITY: Given to town councils or parish governing bodies.

ENFORCEMENT: Enforceable only by local governments

MOTOR BOATS AND VESSELS - RESTRICTED AREAS AND PENALTIES

LA R.S. 34: 851.14 and LA R.S. 34: 851.31

PURPOSE: To set restricted areas for the operation of motor boats and vessels to those areas marked as such.

AUTHORITY: State and local enforcement agencies

ENFORCEMENT: Enforceable by fines and or imprisonment

DAMS AND RELATED MATTERS - RULES AND REGULATIONS

LA R.S. 38: 24

PURPOSE: To establish standards, rules, and regulations for the construction, operation,

modification, and maintenance of dams on waterbodies within the state except for those which are used for impoundment of liquid substances or hazardous waste, which is permitted by the Louisiana Department of Natural resources.

AUTHORITY: Office of Public Works, Louisiana Department of Transportation and Development (LDTD)

ENFORCEMENT: Enforceable by permit and/or inspection only

DEPARTMENT OF PUBLIC WORKS - COORDINATION WITH WILDLIFE AND FISHERIES COMMISSION

LA R.S. 38: 18

PURPOSE: To ensure protection of wetlands and wildlife habitats.

AUTHORITY: Department of Public Works and the Louisiana Wildlife and Fisheries Commission

ENFORCEMENT: No enforcement policy, Requirement of conference between departments only

DEPARTMENT OF PUBLIC WORKS - FUNCTIONS OF DEPARTMENT

LA R.S. 38: 2

PURPOSE: To define the functions of the office of public works which shall comprise the administration functions relating to planning, design, construction, and maintenance of buildings, levees, dams, locks, spillways, drainage systems, navigation projects, flood

control, river improvement projects, and other such projects.

AUTHORITY: Office of Public Works

ENFORCEMENT: Limited to required feasibility studies and required determination of necessity of project

FISH LADDERS

LA R.S. 56: 315.1

PURPOSE: To provide for the establishment of fish ladders on lakes where needed.

AUTHORITY: Louisiana Conservation Commission

ENFORCEMENT: Only establishes authority to construct fish ladders where needed

LOUISIANA REGULATIONS

LAC TITLE 7, AGRICULTURAL AND ANIMALS, PART XI, FERTILIZERS, CHAPTER 79 REGULATIONS FOR THE SALE OF FERTILIZERS

PURPOSE: To set requirements for the registration of manufacturing and/or sale, labeling, sampling, and chemical analysis of fertilizers within the state.

AUTHORITY: Fertilizer Commission and Commissioner of Agriculture

ENFORCEMENT: Cancellation of Registration and/or levying of fines

LAC TITLE 7, AGRICULTURAL AND ANIMALS, PART XXIII, PESTICIDE, CHAPTER 131, LOUISIANA ADVISORY COMMISSION ON PESTICIDES

PURPOSE: To set the rules and regulations on the registration of manufacturing, shipment, sale, ingredients, labeling, and certification for application of pesticides. This includes uses for agricultural, forestry, nurseries, public health, industrial, and aquatic pest control.

Particular emphasis is on protection of waters.

AUTHORITY: Louisiana Advisory Commission On Pesticides and the Commissioner of Agriculture, Department of Agriculture and Forestry

ENFORCEMENT: Certification and licensing, with cancellation of certifications and fines by the commissioner.

**LAC TITLE 7, AGRICULTURAL AND ANIMALS, PART XXV, STRUCTURAL
PEST CONTROL, CHAPTER 141, STRUCTURAL PEST CONTROL
COMMISSION**

PURPOSE: To set the rules and regulations for permitting, certification, licensing, and application of structural pest controls.

AUTHORITY: Structural Pest Control Commission And The Commissioner Of Agriculture

ENFORCEMENT: Cancellation of certification and license

**LAC TITLE 43, NATURAL RESOURCES, PART I, OFFICE OF THE
SECRETARY, CHAPTER 7, COASTAL MANAGEMENT**

PURPOSE: To set guidelines for the management of coastal areas in regard to levees, dredged spoil deposition, shoreline modification, surface alterations, hydrologic and sediment transport modification, waste disposal, alteration of waters draining into coastal areas, and oil and gas activity. The regulations also set rules and procedures for coastal use permits as well as activities exempt from permit requirement which includes agricultural, forestry, and aquaculture activities in areas that have been consistently used in the past for such uses.

AUTHORITY: Department of Natural Resources

ENFORCEMENT: Revocation of permits, cease and desist order, and civil and criminal relief provided by Sec. 214.36 of the State of Louisiana Coastal resource Management Act (SLCRMA) .

**LAC TITLE 48, PUBLIC HEALTH-GENERAL, PART V, PREVENTIVE
HEALTH SERVICES, CHAPTER 75, SEWAGE PROGRAM**

PURPOSE: To set regulations for sewage treatment, sanitary sewage disposal, and other water and wastewater matters for the safeguard of public health. The responsibilities covered include plan review, permitting, inspection, sampling, monitoring, and testing of facilities to insure code compliance and to conduct related enforcement.

AUTHORITY: Office of Preventive and Public Health Services (OPPHS) of the Department of Health and Human Resources (DHHR).

ENFORCEMENT: Enforceable under R.S. 40: 1-5.10

SANITARY CODE, STATE OF LOUISIANA

PURPOSE: To set regulations for the planning, design, construction, modification, record keeping, installation and connection of sewage facilities and/or treatment plants. This includes regulations as to the quality and final discharge of effluent. Particularly prohibited is the discharge of untreated waste directly or indirectly into any ditch, water course, body of water, or onto the ground. This includes the limitation of the location of sewage facilities at least 50 feet from a potable water supply source. Vessels or boats which are permanently moored can not discharge untreated waste, and if not moored are required to employ proper Coast Guard approved marine sanitation devices.

AUTHORITY: State Health Officer, Louisiana Department of Health and Hospitals

ENFORCEMENT: The review of plans, issuance of permits and licenses with violations subject to revocation of such permits and/or licenses.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 1, GENERAL PROVISIONS

PURPOSE: To set regulations and procedures for permitting, enforcement, monitoring and surveillance, and spill control activities the Louisiana Water Pollution Control Division.

AUTHORITY: Louisiana Water Pollution Control Division, Office of Water Resources, Louisiana Department of Environmental Quality.

ENFORCEMENT: Enforced under individual chapters as stated below.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 3, WATER QUALITY PERMITS

PURPOSE: To prescribe the procedures and guidelines for implementation and operation of the Louisiana Water Discharge Permit System (LWDPS). This includes the prohibiting of discharges of sewage waste or any physical, chemical, or biological pollutants into any water body of the state. This includes leachate or runoff to surface waters from facilities under jurisdiction of solid or hazardous waste laws.

Permits are required for other facilities including animal feeding operations, aquacultural activities, silvicultural point sources, and commercial dredging. Certain activities are exempt from the permit requirement. These include human sewage from vessels with inboard toilet facilities, disposal of water derived from oil and gas production, any introduction of pollutants from nonpoint sources resulting from normal agricultural and silvicultural activities. Effluent limitations and standards are established for permitted activities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality (LDEQ)

ENFORCEMENT: Enforceable by revocation or termination of permit(s), with provisions for monitoring and sample collection.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 9, WATER QUALITY SPILL PREVENTION AND CONTROL

PURPOSE: To establish requirements for contingency planning, and implementation of operating procedures and best management practices to prevent and control the discharge of pollutants resulting from spill events. This includes oil and other substances listed as hazardous. This regulation requires the preparation and submittal of the contingency plan by the operators of facilities as outlined in this chapter.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: No enforcement policy is set forth in this section, other than requirement of a plan.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 11, WATER QUALITY STANDARDS

PURPOSE: To establish water quality standards that provide for protection the waters, public health, and serve the objectives of the Louisiana Water Control Law and the Federal Clean Water Act. These standards consist of stated policies, designated uses,

limitations of parameters, criteria for toxic substances, effluent limitations for point source discharges. These standards can form the basis for implementing the best management practices for control of nonpoint sources of water pollution.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Subject to the enforcement procedures of the state (LA R.S. 30:2025)

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART IX, WATER QUALITY REGULATIONS, CHAPTER 15, WATER QUALITY CERTIFICATION PROCEDURES

PURPOSE: To establish the procedures for water quality certification including application requirements, fees, And land management plan requirements.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Denial of permit only.

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART I, OFFICE OF THE SECRETARY, SUBPART 2, NOTIFICATION REGULATIONS, CHAPTER 39, NOTIFICATION REGULATIONS AND PROCEDURES FOR UNAUTHORIZED DISCHARGES

PURPOSE: To provide a uniform notification and reporting procedure for unauthorized

discharges and enable emergency response to such discharges. This section lists requirements for determination and use of reportable quantities.

AUTHORITY: Office of Water Resources, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable under the Louisiana Environmental Quality Act (LA R.S. 30: 2001)

LAC TITLE 33, ENVIRONMENTAL QUALITY, PART V, HAZARDOUS WASTE AND HAZARDOUS MATERIAL, CHAPTER 11, GENERATORS

PURPOSE: To establish the applicability of the section and set hazardous waste determination standards. In addition the establishment of standards for manifest, pre-transport, and transport requirements, are established.

AUTHORITY: Office of Solid and Hazardous Waste, Louisiana Department of Environmental Quality

ENFORCEMENT: Enforceable by ability to prohibit transport.

SECTION B

PUBLIC NOTICES

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation with

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Louisiana Department of Environmental Quality**

July 1995

State of Louisiana



EDWIN W. EDWARDS
GOVERNOR

JACK McCLANAHAN
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

NEWS RELEASE

FOR IMMEDIATE RELEASE
MAY 25, 1995

COASTAL NONPOINT POLLUTION CONTROL PROPOSAL UP FOR PUBLIC COMMENT

A series of public meetings will be held in June for citizens to comment on the proposed state Coastal Nonpoint Pollution Control Program (CNPCP) announced Louisiana Department of Natural Resource (DNR) officials. Louisiana, a coastal zone state, is required by the federal government to develop a CNPCP program designed to improve coastal water quality and the management of pollution as it impacts coastal waters.

The DNR Division of Coastal Management is charged with complying with federal mandates under both the U.S. Coastal Zone Management Act and the Clean Water Act. The division has formulated a proposed plan after collaborating with user groups, interested citizens, and other local, state and federal agencies. Six committees were formed to assist in the development of the document.

Coastal Management Division Director Terry Howey said the CNPCP plan must be submitted to the National Oceanic and Atmospheric Administration and the Environmental Protection Agency for approval in July. He said that the public meetings will allow interested persons to comment on the plan before it is sent to the federal agencies.

--more--

State of Louisiana



EDWIN W. EDWARDS
GOVERNOR

JACK McCLANAHAN
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

May 24, 1995

MEMORANDUM

To: All Coastal Nonpoint Pollution Control Program (CNPCP) Constituents

From: L. Phil Pittman *L.P.P.*

Thru: Gregory J. DuCote *G.J.D.*

Re: Draft Copies of the CNPCP Plan for Public Review and Comment

The Louisiana Department of Natural Resources', Division of Coastal Management has completed the draft plan document for the coastal nonpoint pollution control program. This document, copy transmitted herewith, represents the work of the Interagency Advisory Committee, the five subcommittees and the diligent efforts of the CMD's nonpoint staff. Without the coordinated effort on the part of all concerned, this stage might not have been reached. The CMD would like to sincerely thank all of those who have participated and given of thier time and talents. The only thing to add is that - now the work really begins because now the program has to be implemented. CMD is convinced that the program represents a very good mechanism for Louisiana to deal with the problem of nonpoint source pollution of coastal waters in Louisiana.

For those of you who may doubt the likelihood of success, the need for the program or the timing of its submission, given on-going legislative events in Washington and here in Baton Rouge, the CMD would only ask that you give the program a chance and/or trust that this document does not represent a program "written in stone". CMD is committed to insuring that the program meets the goal it was intended to meet, relative to Louisiana. Legislative changes, from whatever source, federal or state, will be reflected in the document whenever they occur. CMD is committed to making this a "living" program. That also means that when it has lived its life and is ready to evlove into something different, for the continued protection of coastal waters, CMD will be ready to assist in the transition.

CMD requests that each of you review this draft document carefully and comment as you see fit. A series of public meetings has been arranged and the locations, dates, and times are as

PUBLIC NOTICE

Louisiana Department of Natural Resources

Coastal Management Division

Pursuant to the federal Coastal Zone Act Reauthorization Amendments of 1990, 16 U.S.C.A. Section 1455b(a)(5), and the Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance, Section III.F., entitled Public Participation, the Department of Natural Resources', Office of Coastal Restoration and Management, Coastal Management Division hereby issues public notice that a series of public meetings will be held to receive comments on the state's proposed Coastal Nonpoint Pollution Control Program (CNPCP) plan document. These meetings will be held at the times and locations listed below. Copies of the proposed program plan document are available for review at the Department of Natural Resources Headquarters Building located at 625 North Fourth Street, 10th Floor, Baton Rouge, Louisiana between the hours of 6:30 am and 5:30 pm, Monday through Thursday. Additional copies are available for review in each parish within the proposed management area at the offices of the parish governing body and at the parish library. A list of these facilities is available by calling the LDNR/CMD at 504-342-7591 or 1/800-267-4019.

MEETING - DATES - TIMES - LOCATIONS

Lake Charles - Monday - 12 June 1995 - 6:00-10:00 pm - 1015 Pithon, Lake Charles, LA, Police Jury Meeting Room

Lafayette - Tuesday - 13 June 1995 - 6:00-10:00 pm - 700 Cajundome Blvd., Southern Science Center, Conference Room

Thibodaux - Wednesday - 14 June 1995 - 6:00-10:00 pm - Nicholls State University, Student Union Building, Plantation Room

Harahan - Thursday - 15 June 1995 - 6:00-10:00 pm - 1221 Elmwood Park Blvd. Joseph S. Yenni Bldg., Council Chambers, Second Floor

Comments will be received for a total of 30 days from the date of publication of this public notice. Written comments can be addressed to the Louisiana Department of Natural Resources, Coastal Management Division Director, P.O. Box 44487, Baton Rouge, Louisiana, 70804-4487. Verbal comments will be received at all four of the public meetings.

follows;

**Lake Charles - Monday - 12 June 1995 - 6:00-10:00 pm - 1015 Pithon, Lake Charles,
LA, Police Jury Meeting Room**

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Student Union Building, Plantation Room**

**Harahan - Thursday - 15 June 1995 - 6:00-10:00 pm - 1221 Elmwood Park Blvd. Joseph S.
Yenni Bldg., Council Chambers, Second Floor**

Verbal comments will be accepted at each of these meetings and written comments will be accepted for a period of thirty days following the publication of a formal public notice regarding the meetings and the submission of the program document.

If anyone has any questions regarding any of the matters discussed please do not hesitate to call me or Gregory J. DuCote at 1-800-267-4019 or 504-342-7591.

SECTION C

**ADVERTISEMENTS IN STATE AND
LOCAL JOURNALS**

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

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July 1995



Louisiana State University
Agricultural Center
 Louisiana Cooperative Extension Service



**LOUISIANA
 SEA GRANT**
 College Program

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 WETLANDS MANAGEMENT DIVISION

Knapp Ha
 Post Office Box 2510
 Baton Rouge LA 70894-510
 504 388-226

Louisiana Wetlands News

MAY 1995

1995 WRP Sign-up Set

USDA's Natural Resources Conservation Service (NRCS) recently announced a new nationwide Wetland Reserve Program (WRP) sign-up period set for May 30-June 30, 1995. With the estimated \$50 million available, farmers and ranchers are expected to potentially enroll over 100,000 acres nationwide. The first two sign-ups (held in 1992 and 1994) were limited to nine and 20 states, respectively.

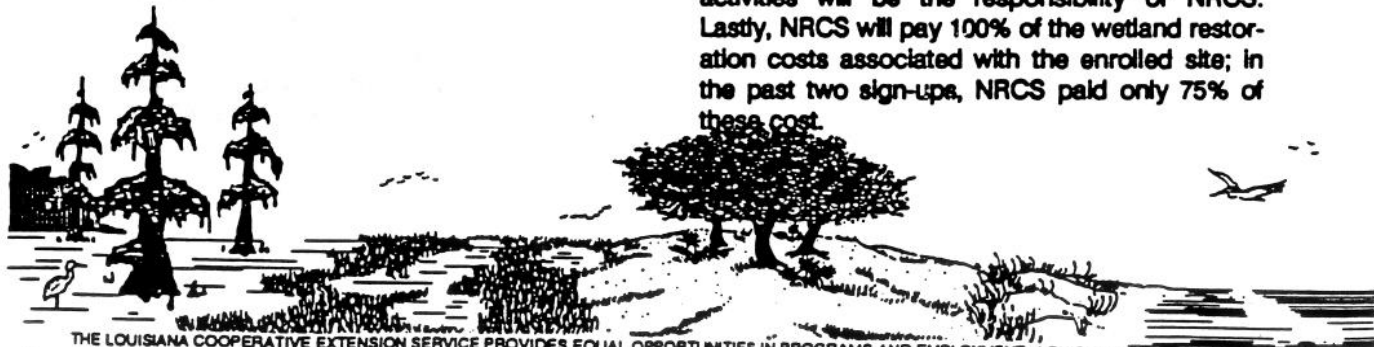
During the first two sign-ups, the Agricultural Stabilization and Conservation Service (ASCS) (now the Consolidated Farm Services Agency) administered the program with the assistance of the Soil Conservation Service (SCS) (now NRCS). With the restructuring of USDA, WRP responsibilities have now been transferred to NRCS.

Through WRP enrollment, landowners sell either perpetual or 30-year easements to the federal government in exchange for restoring and protecting wetlands on their property. Priority is usually given to landowners offering perpetual easements. Most land that qualifies for the program can be classified as converted or farmed wetlands that have proved to be only marginally productive at best. Land eligibility has also been expanded to include altered or disturbed non-agricultural wetlands that have been drained such as marsh or cypress swamp pump-offs.


Once enrolled in the WRP, the landowner is expected to return the land to a wetlands condition. Restoration usually involves the re-establishment of native vegetation (tree planting) and hydrologic (water flow) restoration. Upon filing of the easement in the parish courthouse and implementation of the restoration plan, the landowner receives a lump-sum payment from USDA equal to the land's agricultural value. This value is usually determined by an official agricultural land appraisal.

Interested landowners must provide a copy of the legal title of the land and have owned the property offered at least 12 months prior to June 30, 1995. Additionally, there is a 1,000-acre maximum limit for enrollment and an \$800 payment per acre maximum.

NOTE: There are several changes in the WRP provisions that will be in effect during the 1995 sign-up. Landowners maintain title of WRP lands and control public access, however, only recreational uses will be specifically allowed in the easement document. Long term economic uses (i.e., timber harvest and oil and gas exploration) will be allowed on a case by case basis upon written approval of NRCS. Additionally, landowners will only be required to control noxious plants and pest, maintain fencing (where required to keep out cattle), and pay required property taxes - all other restoration related maintenance activities will be the responsibility of NRCS. Lastly, NRCS will pay 100% of the wetland restoration costs associated with the enrolled site; in the past two sign-ups, NRCS paid only 75% of these cost.



THE LOUISIANA COOPERATIVE EXTENSION SERVICE PROVIDES EQUAL OPPORTUNITIES IN PROGRAMS AND EMPLOYMENT. LOUISIANA STATE UNIVERSITY AND A. & M. COLLEGE, LOUISIANA PARISH GOVERNING BODIES, SOUTHERN UNIVERSITY, AND UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING

 A State Partner in the Cooperative Extension System

MAY 1995

1995 WRP Sign-up Set

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During the first two sign-ups, the Agricultural Stabilization and Conservation Service (ASCS) (now the Consolidated Farm Services Agency) administered the program with the assistance of the Soil Conservation Service (SCS) (now NRCS). With the restructuring of USDA, WRP responsibilities have now been transferred to NRCS.

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For more information on the WRP sign-up contact your local NRCS, Soil and Waste Conservation District, or Extension Service office.

WRP and 1995 Farm Bill

In the Administration's 1995 Farm Bill, the Wetlands Reserve Program (WRP) is described as one of the most innovative agricultural programs established this decade. It is further described as a good way to "...ensure that agriculture as a sector is able to achieve the goal of no-net-loss of wetlands..." Through the WRP, the USDA Secretary is authorized to restore not less than 975,000 acres to wetland status by the year 2000.

Several changes to the WRP are recommended in the bill:

- 1) Modify the WRP provisions to give the Secretary flexibility in timing compensation payments to achieve maximum program efficiency.
- 2) Give the Secretary the authority to work with other agencies to ensure the most efficient management of the Department's responsibilities for the easements acquired under the program.
- 3) Broaden the types of land eligible for the WRP to include critical environmentally sensitive acres associated with wetlands and riparian zones that the Secretary determines suitable for protection with long-term or permanent easements.
- 4) Encourage state and local interests, through the Natural Resources Conservation Service (NRCS) and state technical committees, to help establish wetland enrollment priorities and offer matching funds.

I will continue to keep you informed as more detailed information is made available on the WRP provisions of the 1995 Farm Bill.

Barataria-Terrebonne National Estuary Program Public Workshops Set

In June 1995, the Barataria-Terrebonne National Estuary Program (BTNEP) will sponsor four public workshops at which they will present the provisions of the draft BTNEP Comprehensive Management Plan and obtain citizen comments and suggestions. Parishes located within the Barataria-Terrebonne basins include Pointe Coupee, West Baton Rouge, Iberville, Ascension, Assumption, St. James, St. John, St. Charles, St. Mary, Terrebonne, Lafourche, and Jefferson parishes.

This comprehensive, watershed-based plan will primarily address environmental quality threats within the Barataria and Terrebonne basins. The plan components include public education and outreach, water quality initiatives, wetland restoration, marsh management, barrier island erosion, sustainable economic development, sustainable agriculture, and fish and wildlife resource management, just to name a few. Many of these issues directly involve a large number of traditional natural resource user groups (agricultural producers, commercial and recreational fishermen, landowners, etc.)

The Louisiana Cooperative Extension Service has agreed to assist with user group notification about the upcoming Comprehensive Management Plan Public Workshops. The dates and locations of the four workshops are listed below:

<u>Date</u>	<u>Community</u>	<u>Location</u>
6/5/95	Vacherie	Vacherie Lions Club Bldg. (off Highway 20)
6/6/95	Belle River/ Pierre Part	Pierre Part Elem. (School Cafeteria)
6/7/95	Galliano/ Larose	Larose Civic Center

<u>Date</u>	<u>Community</u>	<u>Location</u>
6/13/95	Westwego/ Marrero/ St. Charles Parish	Immaculate Conception School (School Cafeteria)

All workshops will begin at 7:00 p.m.

All farmers, landowners, natural resource user groups, and the general public are encouraged to attend one of these very important workshops. For more information contact the BTNEP office in Thibodaux, LA toll free at 1-800-259-0869 or call your parish Extension Service office.

Coastal Nonpoint Pollution Control Program Update

On February 22-23, 1995, the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) conducted an informal threshold review of Louisiana's Coastal Nonpoint Pollution Control Program (CNPCP) at the State Land and Natural Resources Building in Baton Rouge. At the review, representatives from NOAA and EPA reviewed the state's proposed nonpoint source pollution reduction approaches included in a draft CNPCP implementation plan. In July 1995, the Louisiana Department of Natural Resources - Coastal Management Division (DNR) must submit the completed draft program for formal federal review.

The draft CNPCP document includes:

- 1) A proposed CNPCP boundary for coastal Louisiana;
- 2) Enforcement mechanisms (proposed bad actor law);
- 3) Required management measures for the five targeted nonpoint pollution sources (agriculture, forestry, marinas, urban runoff, and hydromodification projects); and

- 4) Suggested Best Management Practices (BMPs) that may be implemented to address the identified management measures.

The draft CNPCP document has been completed and is available for public review at the main public libraries and at local government offices in coastal Louisiana. Additionally, four public meetings will be held in June 1995 to obtain additional public input on the proposed CNPCP implementation plan. Meeting dates and locations are listed below:

<u>Date</u>	<u>City</u>	<u>Location</u>
6/12/95	Lake Charles	Parish Government Building Police Jury Meeting Rm (1015 Pithon St.)
6/13/95	Lafayette	National Biological Serv. Southern Science Cntr. Conference Room (700 Cajundome Blvd.)
6/14/95	Thibodaux	Nicholls St. Univ. Union (Plantation Room)
6/15/95	Harahan	Joseph S. Yenni Bldg. Council Chamber - 2nd floor (1221 Elmwood Park Blvd.)

All meetings will begin at 6:00 p.m.

All interested citizens, especially user groups targeted by the CNPCP, are encouraged to review the state's draft implementation plan and attend one of the above scheduled public meetings.

For more information contact DNR toll free at 1-800-267-4019 or call my office in Baton Rouge.

State of Louisiana's Policy for Coastal Restoration Activities

The "White Paper" or State of Louisiana's Policy for Coastal Restoration Activities was officially released on May 2, 1995 by the Department of

Natural Resources. This report represents an appraisal of the present conditions and the on-going challenges in the restoration and protection of Louisiana's coastal wetlands. The document was signed by Governor Edwin Edwards, DNR Secretary Jack McClanahan, Governor's Executive Assistant in the Office of Coastal Activities Len Bahr, and Assistant DNR Secretary Ivor van Heerden (Office of Coastal Restoration and Management).

Prominent in the strategy document are proposals to move forward with large-scale, offensive projects aimed at offsetting high erosion rates coastwide. If no action is taken, the document outlines the potential risks to the state including loss of recreational and commercial fisheries productivity, loss of valuable wildlife habitat, economic and job loss, cultural loss, and the displacement many coastal residents northward. The report predicts that at the present loss rate (approximately 35 square miles per year), coastal communities would have to begin relocating inland within 15 years.

The six key state policy initiatives included in the "White Paper" include:

- 1) Develop a unified state restoration plan;
- 2) Assume the lead for fiscal responsibility on all restoration projects;
- 3) Generate additional funding mechanisms that assure maximum utilization of existing federal matching funds;
- 4) Refine the state's administration of coastal restoration initiatives;
- 5) Revise the project screening, evaluation, and selection process now being used; and
- 6) Secure alternative funding for maintenance of federal navigation channel banks.

Copies of the "White Paper" are available from my office in Baton Rouge.

Louisiana Scenic Rivers Act

In 1970, the Louisiana State Legislature enacted the Louisiana Scenic Rivers Act in an effort to preserve and protect the ecological and aesthetic values of certain free-flowing streams (or rivers) and segments of streams located throughout the state. The program is administered by the Louisiana Department of Wildlife and Fisheries (LDWF).

Scenic stream protection is primarily accomplished through the permitting of certain activities along designated waterways. The 1970 Act prohibited four activities in designated streams: 1) channelization, 2) clearing and snagging, 3) channel realignment, and 4) reservoir construction. Any other activity which may have a significant adverse ecological impact may also be subject to review and permitting by LDWF Scenic Rivers Section.

In 1987, a Scenic Rivers Task Force was formed to review and revise the 1970 Act. The revised Act, enacted in 1988, added one additional prohibition - commercial clearcutting of timber within 100 feet of the designated stream's low water point. Additionally, the Act revised the permitting process and required that a management plan be developed for each Scenic Stream or Scenic River. Today, there are 52 waterways designated as Natural and Scenic Rivers in Louisiana.

The majority of the riparian (streamside) lands and some waterbottoms along and in designated Scenic Rivers are privately owned. Private landowners, therefore, are key to the success of the program. LDWF biologists indicate that there is a perception among landowners that a Scenic Rivers designation will prevent them from using their land as they see fit. According to the LDWF, the Scenic River System goal is not to prohibit landowners from doing what they want on their property but to cooperate with individuals so that landowners conduct activities in a way that is the least damaging to the environment.

As of May 1995, management plans have been developed for all 52 designated waterways. LDWF is now in the process of conducting statewide public meetings to obtain riparian

landowner input that will be used to revise each management plan.

If you would like more information on the Louisiana Scenic Rivers System, contact the Louisiana Department of Wildlife and Fisheries Scenic Rivers Section at (504) 765-2821.

Private Property Rights Bill Passes U.S. House of Representatives

On March 3, 1995, the U.S. House of Representatives passed a private property rights bill (H.R. 790) that, if approved by the Senate and signed by the President, would provide for monetary compensation to private landowners for losses caused by environmental restrictions. Key provisions of the bill are that it:

- Adopts a federal policy to encourage, support, and promote ownership of private property;
- Requires agencies to comply with state, local, and tribal property laws;
- Requires agencies to implement Endangered Species Act (ESA) and wetland rules in ways that have least impact on private property owners;
- Requires written consent of private property owners for entry by federal officials to gather information under ESA or wetland rules;
- Guarantees property owners access to information gathered on their property and a right to dispute that information;
- Guarantees property owners the right to an administrative appeal of decisions under ESA or wetland rules;
- Provides for compensation for property owners for loss of 20%

of market value or use of affected property and sets forth an administrative procedure for resolving the property owner's claim;

- Provides for the option of government acquisition if land devaluation reaches 50%; and
- Requires that private property owners be included under property management agreements between the federal government and the states that affect private property under the ESA.

Updates on this legislation will be provided in upcoming newsletters.

Clean Water Act Reauthorization Bill Passes U.S. House of Representatives

On May 16, 1995, H. B. 961 by Rep. Bud Shuster (Penn.) passed the U.S. House of Representatives and was forwarded to the Senate. If given final approval, the Clean Water Act (CWA) Reauthorization Bill would significantly change many of the provisions of the current Clean Water Act. As it is currently written, H.B. 961:

- Requires that a risk assessment and cost-benefit analysis be conducted before CWA regulations are implemented (similar to HR 1022);
- Requires that the federal government compensate landowners when regulations reduce property values by 20% or more;
- Removes EPA veto over wetland permitting;
- Gives the Army Corps of Engineers sole wetland permitting authority;

- Changes wetland definition;
 - Requires more consecutive days of inundation or saturation for an area to be classified a wetland;
 - Establishes a three-class wetland priority system with Class A wetlands receiving the most protection (and requiring private property owner compensation) and Class C wetlands not regulated;
 - Restricts each parish or county to a maximum of 20% Class A wetlands;
 - Encourages mitigation banking;
 - Allows for transfer of CWA authority to states (including both wetland permitting and nonpoint pollution control programs); and
 - Allows pollution trading between point source and nonpoint source pollution contributors that yields net environmental benefit in a given watershed.
- 2) An amendment to H.R. 1159 (House Rescission Package) would cut 41% of the funds remaining for the administration of the Endangered Species Act by the FWS in FY 1995.
 - 3) Senate Bill 503 would impose a six month moratorium on endangered species listings and critical habitat designations.
 - 4) An amendment to H.R. 1159 would cut \$16.6 million from the National Biological Service (NBS).
 - 5) An amendment to H.R. 1158 (FEMA Supplemental Appropriations/Rescissions Bill) would prohibit the use of USDA funds to delineate new agricultural wetlands.

State Legislation

- HB 258 (Montgomery) - Creates a separate crime of trespass upon timberland or forest land and provides that the owner or lessee of such land is immune from liability to a trespasser.
- HB 538 (Sam Theriot) - Provides for the Office of Environmental Education within the Office of the Governor.
- HB 880 (Triche) - Provides that private property surrounded by a wildlife management area is subject to general provisions regulating hunting and fishing and not regulations affecting the management area.
- HB 874 (Triche) - Provides for use value taxation of marshland at its highest use value.
- HB 1230 (Roach) - Provides that use of federal funds in connection with coastal

I will continue to keep you abreast of CWA reauthorization actions in upcoming newsletters.

Environmental Actions/Issues

Over the past few months, both the Congress and the Louisiana State Legislature have addressed a variety of environmentally related legislation. A few of the most significant actions/issues are summarized below:

Federal Legislation

- 1) An amendment to H.R. 889 (Defense Supplemental Appropriations Bill) would cut Fish and Wildlife Service (FWS) funding for Fiscal Year 1995 endangered species listing and critical habitat designation.

restoration does not create any public right in the property.

- HB 1249 (Deano) - Requires 50% of mitigation to be in the parish in which wetland loss occurs.
- HB 1544 (Roach) - Provides that public and private benefits of coastal restoration projects be identified and declared and that the responsibilities and costs of the operation, maintenance, and monitoring of the project be shared by the private and public persons who accrue the benefits.
- HB 1832 (Ellington) - Provides for compensation to private property owners whenever a government rule or regulation reduces property values by 20% or more.
- HB 2199 (Thompson)/SB 253 (Foster) - Provides for compensation to private agricultural property owners whenever a government rule or regulation reduces property values by 20% or more.
- SCR 22 (McPherson) - Memorializes Congress to require the Corps of Engineers to mitigate for environmental damages occurring as a result of the Mississippi River and Tributaries Project.
- SB 333 (Nunez) - Constitutional amendment allowing the state to transfer ownership of mineral rights in and to state-owned waterbottoms subject to rights of reclamation under certain circumstances.
- SB 447 (Brinkhaus) - Provides that seismic operations may be conducted with the consent of at least 80% of the mineral co-owners.
- SB 459 (Landry) - Requires the Louisiana Tax Commission to prepare and publish tables providing for the uniform appraisal of the use value of marshlands.
- SB 793 (Greene) - Provides for minimization of the impact of government actions on private agricultural property and for cause of action for diminution in value of such property.
- SB 813 (Cox) - Provides that all waters and man-made waterways that have captured or replaced the flow of natural, navigable waterways that are subject to the ebb and flow of the tide are public things subject to public use, and that the right of the public to use public waters for navigation and fishing shall not be infringed.
- SB 915 (Nunez) - Moves the Wetland Conservation and Restoration Authority in the Governor's Office to the Office of Coastal Restoration and Management in the Department of Natural Resources.
- SB 916 (Nunez) - Provides for reclamations-in-law of lands lost through erosion, compaction, subsidence, or sea level rise under certain circumstances when the landowner agrees with the state to allow public use of the surface of such eroded lands.
- SB 1023 (Nunez) - Exempts the state from liability for any damages to rights of leaseholders, permittees, and licensees on state lands and waterbottoms by coastal restoration projects.
- SB 1026 (Lauricella) (also HB 2281) - Moves mariculture in the Louisiana coastal zone from experimental status to permanent status.

- SB 1103 (Nunez) - Creates the office of environmental affairs coordinator within the office of the Governor.
- SB 1157 (Cain) - Enacts the "Louisiana Right to Farm Law" requiring compensation to owners whenever a government rule or regulation causes a 10% or more reduction in fair market value of the land.

Proposed COE Wetland Regulatory Policy Changes

During the month of March 1995, the U.S. Army Corps of Engineers (COE) published three proposed wetland regulatory policy changes in the Federal Register. After receiving public comments, the Corps is expected to publish a final rule on the proposals. Brief descriptions of these three proposals are outlined below:

- 1) Consideration of a Nationwide Permit for single family housing - On March 23, 1995, the COE proposed the issuance of a new nationwide permit (NWP) for the development of single-family homes and attendant features provided the wetland discharge into waters of the U.S. does not cause the loss of more than 1/2 acre. An individual would be allowed to use this nationwide permit only once.
- 2) Federal guidance for the establishment, use and operation of mitigation banks - On March 6, 1995, the COE, EPA, Fish and Wildlife Service and the National Marine Fisheries Service jointly proposed guidance regarding the establishment, use and operation of mitigation banks for the purpose of providing compensatory mitigation for adverse impacts to wetlands and other aquatic resources. The purpose of the guidance is to clarify the manner in which mitigation banks may be used to satisfy mitigation requirements associated with the Clean Water Act (CWA) Section 404 permit program and the wetland conservation provisions of the Food Security Act (FSA)

(i.e., the "Swampbuster" provisions of the Farm Bill). Mitigation banking may streamline the permit evaluation process and provide more effective mitigation for authorized impacts to wetlands.

- 3) Wetland Delineator Certification Program - On March 14, 1995, the COE announced the proposed establishment of a program for the training and certification of individuals as wetland delineators. The intent of the Wetland Delineator Certification Program (WDCP) is 1) to improve the quality and consistency of wetland delineations submitted to the Corps, and 2) to streamline the regulatory process by developing procedures for expediting review and consideration of delineations submitted by certified delineators. The Corps is proposing that WDCP applicants meet the following requirements: 1) provide documentation of completion of appropriate wetland delineation training; 2) provide documentation of two years experience delineating wetlands; 3) pass a written test given by the Corps; and 4) pass a field exam given by the Corps. Certification will be based on the current wetland delineation methodology in use by the Corps at the time of certification (e.g., the 1987 Corps of Engineers Wetland Delineation manual). Wetland delineations submitted by Corps certified wetland delineators will receive quicker decisions regarding the accuracy and acceptance of these wetland delineations. Certifications will be valid within the certifying Corps district's boundaries for five years.

The LSU Wetland Biogeochemistry Institute will again be conducting a five-day wetland delineation training course in Baton Rouge during the week of September 25-29, 1995. For more information contact Ms. Karen Gros at (504) 388-8806.

To receive copies of the three above referenced Federal Register public notices contact my office in Baton Rouge.

**National Biological Service/U.S.
Geological Survey Training
Workshops**

The U.S. National Biological Service (NBS) and the U.S. Geological Survey are presenting a series of workshops pertaining to mapping, photo-interpretation, remote sensing and Geographical Information Systems (GIS). The workshops are part of an effort to exchange information and provide access to technologies developed at the Southern Science Center (SSC) (NBS research center in Lafayette). The workshops are available to the general public, educators, and state and federal agencies. No previous experience is required, and all necessary handouts, maps, and other written information will be provided. Dates, topics and locations of upcoming workshops are listed below:

<u>Date</u>	<u>Location</u>	<u>Topic</u>
June 15-16	SSC-Lafayette	Intro. to SAS for Natural Res.
July 18-20	USL-Wharton Hall Lafayette	Intro. to GPS (Global Pos. Systems) for Natural Res. Assessment & Survey
August 8-10	SSC-Lafayette	Intro. to GIS for Natural Res.
August 22-24	USL-Wharton Hall	Intro. to Wetland Image Processing & Classification
Sept. 19-21	SSC-Lafayette	Intro. to FGDC's Metadata Standards
Oct. 25-27	USL-Wharton Hall	Intro. to Wetland Remote Sensing & Mapping
Oct. 30 - Nov. 1	USL-Wharton Hall	Advanced Wetland Photo-Interpretation
Nov. 14-16	SSC-Lafayette	Advanced GIS for Natural Res.

For more detailed information about the above workshops contact NBS in Lafayette at (318) 266-8500.

For more information about any of the topics discussed in this newsletter or to obtain wetland or coastal resource-related educational information, contact your parish Louisiana Cooperative Extension Service office.

Sincerely,



Paul Corell, Area Agent
(Wetland and Coastal Resources)

SECTION D

**LIST OF AGENCIES/PERSONS RECEIVING
THE PROGRAM DOCUMENT**

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

Assumption Parish Library
Attn: Ms. Mary N. Judice
293 Napoleon Avenue
Napoleonville, LA 70390-0786

Calcasieu Parish-Public Library
Attn: Mrs. Lynda Lee Carlberg
327 Broad Street
(Administrative Offices)
Lake Charles, LA 70601

Cameron Parish Library
Attn: Ms. Janelle Greenhow
P. O. Box P
Marshall Street
Cameron, LA 70631-2016

Iberia Parish Library
Attn: Mrs. Carla Hostetter
445 East Main Street
New Iberia, LA 70560-3710

Jefferson Parish Library
Attn: Mr. David M. Woodburn
P. O. Box 7490
Metairie, LA 70010-7490

Lafourche Parish Library
Attn: Ms. Kathleen Kilgen
(Administrative Offices)
303 West 5th Street
Thibodaux, LA 70301-3123

Livingston Parish Library
Attn: Mr. Allen Cunningham
P. O. Drawer 397
20180 Iowa Street, Courthouse Bldg.
Livingston, LA 70754-0397

New Orleans Public Library
(Orleans Parish)
Attn: Mr. C. Daniel Wilson, Jr.
219 Loyola Avenue
New Orleans, LA 70140-1016

Plaquemines Parish Library
Attn: Mrs. Janet Cantwell
203 Louisiana Highway 11, South
Buras, LA 70041-1625

St. Bernard Parish Library
Attn: Ms. Ethel Llamas
1125 East St. Bernard Highway
Chalmette, LA 70043-5498

St. Charles Parish Library
Attn: Mr. Garland Strother
P. O. Box 949
105 Lakewood Drive
Luling, LA 70070-0975

St. James Parish Library
Attn: Mrs. Julie Champagne
1879 West Main Street
Lutcher, LA 70071-9704

St. John The Baptist Parish Library
Attn: Mr. Randy DeSoto
1334 West Airline Highway
Laplace, LA 70068-3797

St. Martin Parish Library
Attn: Ms. Donna Soto
P. O. Box 79
201 Porter Street
St. Martinville, LA 70582-0079

St. Mary Parish Library System
Alex P. Allain Memorial Branch
Attn: Ms. Cheryl Cooper
206 Iberia Street
Franklin, LA 70538-4906

St. Tammany Parish Library
Covington Branch
Attn: Ms. Elizabeth Rountree
310 West 21st Street
Covington, LA 70433-2638

Tangipahoa Parish Library
Amite Branch
Attn: Ms. Pat Sledge
739 W. Oak Street
Amite, LA 70422-2524

Terrebonne Parish Library
Attn: Miss Margaret M. Shaffer
424 Roussell Street
Houma, LA 70360

Vermilion Parish Library
Abbeville Branch
Attn: Ms. Jackie Choate
P. O. Drawer 640 - 200 North Street
Abbeville, LA 70511

Assumption Parish
Attn: C. J. Savoie
P. O. Box 518
Napoleonville, LA 70390

Calcasieu Parish Police Jury
Office of Parish Planning and Development
Attn: Pam Sturrock
P. O. Drawer 3287
Lake Charles, LA 70602

Cameron Parish Police Jury
Attn: Tina Horn
P. O. Box 366
Cameron, LA 70361

Iberia Parish Government
Environmental Planning
Attn: Ruth Fontenot
Courthouse Bldg., Suite 310
300 Iberia Street
New Iberia, LA 70560-4587

Jefferson Parish
Attn: Marine Winter
Environmental Impact Officer
1221 Elmwood Park Blvd., Suite 703
Harahan, LA 70123

Lafourche Parish Council
Attn: Roy Francis
CZM Administrator
101 West 112th Street
Cut Off, LA 70345

Alex Theriot & Assoc.
Attn: Alex Theriot, Jr.
P. O. Box 879
Denham Springs, LA 70727-0879

New Orleans City Planning Commission
Attn: Harvey Stern
9th Floor-City Hall Civic Center
1300 Perdido Street
New Orleans, LA 70112

Plaquemines Parish Government
Attn: Rodney Barthelemy
Permit Administrator
Permits Department
P. O. Box 829
Port Sulphur, LA 70083

St. Bernard Parish Planning Commission
Attn: Martha Cazaubon
8201 West Judge Perez Drive
Chalmette, LA 70043

St. Charles Parish Council
Attn: Earl Matherne
P. O. Box 302
Hahnville, LA 70057

St. James Parish Council
Attn: Jody Chenier
Courthouse
P. O. Box 106
Convent, LA 70723

St. John The Baptist Parish
Attn: Patrick McTopy
Chief Administrative Officer
1801 West Airline Highway
LaPlace, LA 70068

St. Martin Parish Council
Attn: Gerard Durand, Jr.
Parish Manager
P. O. Box 9
St. Martinville, LA 70582

St. Mary Parish Council
Attn: Derhyl Hebert
Director of Planning
5th Floor, Courthouse Building
Franklin, LA 70538

St. Tammany Parish
Department of Development
Attn: Brian Fortson
P. O. Box 628
Covington, LA 70434

Tangipahoa Parish
Attn: Jeff Schneider
Rt. 1, Box 210
Loranger, LA 70446

Terrebonne Parish
Attn: Bob Jones
P. O. Box 2768
Houma, LA 70361

Vermilion Parish Police Jury
Attn: Michael Bertrand
P. O. Box 430
Abbeville, LA 70511-0430

Mr. Frank Deffes, Chief
La. Dept. of Health and Hospitals
Office of Public Health
326 Loyola Ave.
New Orleans, LA 70160

Ms. Jan R. Boydston, Coordinator
La. Dept. of Environmental Quality
Nonpoint Source Program
P. O. Box 82215
Baton Rouge, LA 70884

Mr. David Carnline
Consolidated Farm Services Agency
U. S. Dept. of Agriculture
3737 Govt. St.
Alexandria, LA 71302

Mr. Paul Coreil
Wetland & Coastal Resources
La. Cooperative Extension Service
P. O. Box 25100
Baton Rouge, LA 70894-5100

Ms. Michèle Deshotels
Public Hearings and Environmental Impact Section
La. Dept. of Transportation & Development
P. O. Box 94245
Baton Rouge, LA 70804-0245

Mr. Paul Conzelmann
U. S. Fish and Wildlife Service
825 Kaliste Saloom Rd.
Brandywine II, Suite 102
Lafayette, LA 70508

Mr. Don Feduccia, Chief
Forest Management
Office of Forestry
La. Dept. of Agriculture and Forestry
P. O. Box 1628
Baton Rouge, LA 70821-1628

Ms. Suzanne R. Hawes
Project Manager for the Environment
Corps of Engineers, New Orleans District
CELMN-PD-A
P. O. Box 60267
New Orleans, LA 70160

Mr. A. J. Isacks III
Office of State Parks
La. Dept. of Culture, Recreation and Tourism
P. O. Box 44426
Baton Rouge, LA 70804-4426

Mr. Harold Lee
U. S. Army Corps of Engineers, Vicksburg Dist.
P. O. Box 60
Vicksburg, MS 39180

Mr. Steve Mathies
Barataria Terrebonne National Estuary Program
P. O. Box 2663
Thibodaux, LA 70310

Mr. Kent Milton
Natural Resources Conservation Service
USDA
3737 Govt. St.
Alexandria, LA 71302

Mr. Rick Ruebsamen
National Marine Fisheries Service
Habitat Conservation Division
c/o Louisiana State University
Baton Rouge, LA 70803-7535

Mr. Butch Stegall
Office of Soil and Water Conservation
La. Dept. of Agriculture & Forestry
P. O. Box 3554
Baton Rouge, LA 70821-3554

Mr. Blue Watson, Chief
Ecological Services Station
La. Dept. of Wildlife and Fisheries
P. O. Box 98000
Baton Rouge, LA 70898-9800

Mr. James H. Welsh, Division Director
Injection and Mining Division
Office of Conservation
LA Dept. of Natural Resources
P. O. Box 94396
Baton Rouge, LA 70804-9396

Captain J. W. Calhoun, Commander
Eighth Coast Guard District
501 Magazine St.
New Orleans, LA 70130-3396

U. S. Army Corps of Engineers
Galveston District
P. O. Box 1229
Galveston, TX 77553
ATTN: Regulatory Branch

Mr. Michael Bourgeois
Louisiana Landowners Assn.
8982 Darby Ave.
Baton Rouge, LA 70806

Mr. Phil Boydston
Louisiana Land and Exploration
P. O. Box 60350
New Orleans, LA 70160

Mr. W. P. "Judge" Edwards
Vermilion Corporation
P. O. Box 27
Abbeville, LA 70511

Mr. George Strain
Continental Land and Fur
909 Poydras, Suite 2100
New Orleans, LA 70112

Mr. Roger Vincent
Miami Corporation
303 LaRue France
Lafayette, LA 70508

Mr. Ronnie Albritton
Georgia Pacific
P. O. Box 430
Zachary, LA 70791

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Executive Secretary
Louisiana Cattleman's Association
4921 I-10 Frontage Rd.
Port Allen, LA 70767-4195

Mr. John Gay
American Sugar Cane League
58905 St. Louis Rd.
Plaquemines, LA 70764

Mr. David Keyser
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P. O. Box 61
Mandeville, LA 70470-0061

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927 N. Shireview
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Mr. Dick Myers
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DeRidder, LA 70634-1060

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Assistant Director
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LSU Wetland Resources
Baton Rouge, LA 70803

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LA Dept. of Wildlife and Fisheries
Office of Management and Finance
2000 Quail Drive, Room 230
P. O. Box 98000
Baton Rouge, LA 70898-9000

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2500 Shreveport Highway
Pineville, LA 71360

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La. Dept. of Environmental Quality
P. O. Box 82215
Baton Rouge, LA 70884

Mr. James Wilkins
Louisiana State University
Sea Grant Legal
118 David Boyd Hall
Baton Rouge, LA 70803

Mr. Neil Armingeon
Environmental Director
Lake Pontchartrain Basin Foundation
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Metairie, LA 70009-6965

Mr. Carl Herrick
Citizens For A Clean Tangipahoa
39424 Bay Dr.
Ponchatoula, LA 70454

Dr. Robert Apple
Office of the Governor
Liaison for Environment and Agriculture
@ LA Dept. of Environmental Quality
7290 Bluebonnet RD
Baton Rouge, LA 70810

Dr. Brian LeBlanc
LA Cooperative Extension Service
23612 Robert RD
Mandeville, LA 70448

Dr. Wendell J. Lorio
Aquaculture-Fisheries Specialist
202-P Knapp Hall
LA Cooperative Extension Service
Baton Rouge, LA 70803-1900

Mr. Richard Demay
Barataria Terrebonne National Estuary Program
P.O. Box 2663
Thibodaux, LA 70310

Dr. Guye Willis, Research Leader
USDA/Agricultural Research Service
Soil and Water Research
P.O. Box 25071-Univ. Station
Baton Rouge, LA 70894-2507

Ascension Sportsmen's League
Attn: Virgil J. Bourque
13225 Petite Dr.
Maurepas, La 70449

Audubon Society Orleans Chapter
P.O. Box 4162
New Orleans, La 70178-4162

Calcasieu League for Environmental Action Now
Attn: Marvin Harger
366 West Rd
Sulphur, La 70663

Citizens for a Clean Tangipahoa
Dr. Robert Hastings, President
Southeastern Louisiana University
Department of Biological Sciences
P.O. Box 814
Hammond, La 70402

Coalition to Restore Coastal Louisiana
Attn: Ann Burruss, Science and Technology Director
8841 Highland Rd
Suite C
Baton Rouge, La 70808

Gulf Coast Conservation Association
P.O. Box 373
Baton Rouge, La 70821

Gulf Coast Tenants Association
1866 N. Gayoso
New Orleans, La 70119

Lake Maurepas Society
Attn: Joe Sims
P.O. Box 458
Hammond, La 70404

League of Women Voters, (Lafayette area)
Attn: Ms. Clara Baudoin
1207 Mardi Gras
Carencro, La 70520

Louisiana Environmental Action Network
Attn: Ms. Mary Lee Orr
P.O. Box 66323
Baton Rouge, La 70896

Louisiana Wildlife Federation
Attn: Randy Lanctot, Executive Director
P.O. Box 65239
Baton Rouge, La 70896

The Nature Conservancy
Attn: Lisa Creasman, Director
P.O. Box 4125
Baton Rouge, La 70821

Riverside Coalition for Environmental Education
Attn: Dinah Maygarden, Project Director
The Audubon Institute, Inc.
Louisiana Nature and Science Center
P.O. Box 870610
New Orleans, La 70187-0610

Sierra Club, New Orleans
Attn: Daryl Malek-Wiley, Conservation Chair
616 Adams St.
New Orleans, La 70118

Sierra Club, New Orleans
Attn: Barbara Hodge
509 3rd ave.
Harvey, La 70058

Sierra Club, Acadiana Group (Lafayette)
Attn: Harold Schoeffler, Conservation Chair
3500 E. Simcoe St
Lafayette, La 70501

Tickfaw River Basin Group
Attn: Ben Taylor, President
16152 East Club Deluxe Rd.
Hammond, La 70403

Coastal Concerned Association
Attn: Daniel Shay, President
Rt. 2 Box 64-A
Creole, La 70632

Concerned Crabbers Association
Attn: Victor Griffin, Vice-President
126 West 225th
Golden Meadow, La 70357

Gulf Coast Commercial Fisherman's Coalition
Attn: Tracy Kuhns, Director
P.o. Box 9
Lafitte, La 70067

Lake Pontchartrain Fishermen's Association
Attn: Peter Gerica, President
Rt. 6, Box 285 K
New Orleans, La 70128

Louisiana Oyster Dealers and Growers Association
Attn: Mike Voisin, President
76060 Hidden Oaks Lane
Covington, La 70433

Louisiana Shrimp Association
Attn: Danny Babin, President
2401 Manson Ave., Suite C
Metairie, La 70001

Southwest Louisiana Fishermen's Association
Attn: Phil Cantrell, President
712 Arthur Ave.
Lake Arthur, La 70549

Mr. Bob Anderson
Environmental Editor
The Advocate
Baton Rouge, LA

Ms. Florence Robinson
North Baton Rouge Environmental Association
c/o Biology Dept.
Southern University
Baton Rouge, LA

Ms. Allison Hensey
Sierra Club Legal Defense Fund
400 Magazine St.
Suite 401
New Orleans, LA 70130

Ms. Shirley Goldsmith
ex officio Calcasieu League for Environmental Action Now
Lake Charles, LA

Mr. Joe Cassanova
Orleans Levee District
Lakefront Airport
New Orleans, LA 70125

Ms. Rose Schuff
USDA, NRCS
P.O. Box 5250
Lafayette, LA 70502

Mr. Jeff Hughs
Louisiana Forestry Association
1701 Gaylord Dr.
Bogalusa, LA 70427

Mr. Doug Svendson
Gulf Intercoastal Canal Association
Lafayette, LA

Mr. Terry Haynes
USDA Forestry Service
New Orleans, LA

Mr. Raymond Just
Tulane Environmental Law Clinic
New Orleans, LA

Ms. Karen Gautreaux
Governor's Office for Coastal Activities
Baton Rouge, LA

Mr. David Richard
Streamside Management, Inc.
P.O. Box 40
Lake Charles, LA 70602

Mr. Jimmy Johnson
U.S. Fish and Wildlife Service
Southern Science Center
Lafayette, LA

Mr. Doug Bowling
International Paper Co.
Amite, LA

Mr. Ed Fike
Coastal Environments
1260 Main St.
Baton Rouge, LA 70802

Dr. Buck Abbey
Department of Landscape Architecture
LSU
Baton Rouge, LA

AGENCY LEADING OFFICIALS WHO RECEIVED DRAFT DOCUMENT:

Jack McClanahan, Secretary,
Louisiana Department of Natural Resources

Dr. Ivor van Heerden, Assistant Secretary,
Office of Coastal Restoration & Management
Louisiana Department of Natural Resources

Dr. Len Bahr, Executive Assistant
Governor's Office for Coastal Activities
State of Louisiana

Dr. H. Rouse Caffey, Chancellor
Louisiana State University Agricultural Center

Brad Spicer, Assistant Commissioner
Office of Soil and Water Conservation
Louisiana Department of Agriculture and Forestry

Bob Odom, Commissioner
Louisiana Department of Agriculture and Forestry

Joe L. Herring, Secretary
Louisiana Department of Wildlife and Fisheries

Brigadier General Jude W. P. Patin, Secretary
Louisiana Department of Transportation and Development

William A. Kucharski, Secretary
Louisiana Department of Environmental Quality

Rose V. Forrest, Secretary
Louisiana Department of Health and Hospitals

SECTION E

**ATTENDANCE SHEETS AND CARDS
OF PUBLIC MEETINGS**

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

COASTAL NONPOINT POLLUTION CONTROL PROGRAM (CNPCP)
PUBLIC MEETING

DATE: June 12, 1995 LOCATION: Lake Charles, LA SHEET # 19

NAME	ADDRESS	TELEPHONE #	REPRESENTING
DICK MYERS	P.O. BOX 1060	(318) 462-4091	LA Society Association
Terri A. Ancelet	P.O. Box # Lake Charles, LA 70601	318/775-5576	LA Geog. Exp. Assn.
Clay Midkiff	1400 Hwy 12 LCA	318 436-1483	USDA - NRCS
DALLAS W. KING III	4316 SACIERZ ST 70605	318 428 0380	OFFICE OF CONSERVATION DEPT OF NATURAL RESOURCES
DAVID RICHARD	P.O. Box 40 Lake Charles, LA 70602	318-433-1055	Estuarine Program Dept
Jerry Whitley	PO Box 1414 Lake Charles, LA 70602	318-433-4671	LCES
Paul Careil	PO Box 25100	318 504 388-2266	LCES
Jerome Carter	775 OAK GROVE HWY Grand Chenier, LA 70643	(318) 542-9186	LA FARM BUREAU FED. CAL. PARISH. REP.
Rod E. Emmer	7449 Severnside Ave BR 70806	504 923-3743	Self

COASTAL NONPOINT POLLUTION CONTROL PROGRAM (CNPCP)
PUBLIC MEETING

DATE: 6/14/95 LOCATION: Thibodaux REPRESENTING SHEET # 1 of 2

NAME	ADDRESS	TELEPHONE #	REPRESENTING
John Sullivan	Dr. Sanger Le 17046 2315 Lemurray Cds	(504) 878-6731	Benmore Peters Inc.
Jim Cochran	LDEQ - DWR	(504) 765-0546	LDEQ - Mrs. Raymond
Dugan Sabnis	LDEQ - DWR	(504) 765-0511	LDEQ - DWR WRS
Louis R. Johnson	LDEQ - DWR	504 765 2953	LDEQ - DWR
Bill Blanch	P.O. Box 25700 BR 70894-5700	504) 388-6998	LCCS
Rickard A. Cury	BTNEP	800 259 0867	BTNEP
Ann Burruss	8841 Highland Rd. Suite R.R. LA 70808	504-766-0195	Coalition to Restore Coastal LA
Mike Waldon	1826 Southland Ct. Baton Rouge LA 70810	504-751-5020	self
Roy Francis	101 W 112th Street LA 70305	(504) 632-4666	LAFORCHE Marsh CREM
Brad Spicer	Baton Rouge	504-972-1267	
Michael D. Tullis	P.O. Box 1266 Houma La. 70361	504-448-3542	LCSIA - RMC'S

COASTAL NONPOINT POLLUTION CONTROL PROGRAM (CNPCP)
PUBLIC MEETING

DATE: 6/15/95 LOCATION: Harahan, LA SHEET # 1082

NAME	ADDRESS	TELEPHONE #	REPRESENTING
ROY TOBLE	1217 N. WOOD AVE MET LA ROAD 1701 Gayland Dr. Bogalusa La 70427	885-3493	SIERRA CLUB
JEFF HUGHES	1522 LOWEKLING ST NO LA 70118	732-9843	Louisiana Forestry Assn
DR. BARRY KOHL	ABC - 1500 S. JEFF DAVIS HWY NO. LA. 70125	861-8465	SIERRA CLUB
Tommy Conkillion	ORLEANS LEVEE DISTRICT LAKE FRONT AIRPORT NO LA 70126	827-1570	ASSOC. GEN. CONTR
JOE CASSANOVA	4420 LASALLE NO LA 70115	243-4050	ORLEANS LEVEE DISTRICT
Mary Murphy	"	895-6-888	Sierra Club
Shawn McKee	"	"	Sierra Club
Peter Gwynn	411 Maryland St NO LA 70115	482-6311	"
Marnie Winter	1221 Elmwood PK. Blvd. Room 703 Harahan 70123	733-9004	Jeff. Parish Environ.
Eric Huber	400 Magazine St. Ste 401 New Orleans 70180	522-1394	SECOF
Allison Hender	"	"	Sierra Club Delegation

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Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name David Richard
Address P.O. Box 40
City / State / Zip Lake Charles La 70602
Telephone No. 318-433-055
Representing Stream Property
Management Inc

- I wish to speak.
- I do not wish to speak.
- I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Clay Midkiff
Address 1400 Hwy 14
City / State / Zip Lake Charles, La. 70601
Telephone No. (318) 436-1433
Representing USDA - NRCS

- I wish to speak.
- I do not wish to speak.
- I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Jerry B. Whalley
Address PO Box 1414
City / State / Zip Lake Charles, La 70602
Telephone No. 318 433 4671
Representing LCEs

- I wish to speak.
- I do not wish to speak.
- I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name DICK MYERS
Address P.O. Box 1060
City / State / Zip De Ridder, LA 70634
Telephone No. (318) 462-4091
Representing LA Forestry Association

- I wish to speak.
- I do not wish to speak.
- I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Semmis Lynd
Address HC 77 Box 250
City / State / Zip Kaplan La 70548
Telephone No. 318 7372402
Representing Academic Murr

I wish to speak.
 I do not wish to speak.
 I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name W. F. Wiegner
Address _____
City / State / Zip _____
Telephone No. _____
Representing _____

I wish to speak.
 I do not wish to speak.
 I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name John Sullivan
Address 2315 Zermurray
City / State / Zip Louisiana La.
Telephone No. 504 878-6731
Representing Ben & Peters

I wish to speak.
 I do not wish to speak.
 I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Ann Burruss
Address 8841 Highland Rd. Suite C
City / State / Zip R.R. LA 70808
Telephone No. 504-766-0195
Representing The Coalition to

Restore Coastal Louisiana
 I wish to speak.
 I do not wish to speak.
 I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name NEIL A. ARMINHEDW
Address P.O. BOX 6965
City / State / Zip METairie 70002
Telephone No. 836-2215
Representing LAIKE FORTCHARTRAU
BASIN FOUNd

I wish to speak.

I do not wish to speak.

I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Mike Waldon
Address 1826 Southland Ct.
City / State / Zip Baton Rouge, LA 7081
Telephone No. 504/751-5020
Representing self

I wish to speak.

I do not wish to speak.

I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Jeff Hughes
Address 1701 Gayland Dr.
City / State / Zip Bogalusa La 70427
Telephone No. 504-732-9843
Representing Louisiana Forestry Assn

I wish to speak.

I do not wish to speak.

I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Eric Huber
Address 400 Magazine St.
City / State / Zip New Orleans, LA 7013
Telephone No. (504)
Representing Sierra Club Legal
Defense Fund, Inc.

I wish to speak.

I do not wish to speak.

I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name ALLEN BOLOTTE
Address PO BOX 531
City / State / Zip BOYTTE, LA. 70039
Telephone No. 589-3586
Representing NRC5

I wish to speak.

I do not wish to speak.

I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name DR BARRY KOHL
Address 1522 LOWECLINE ST
City / State / Zip NO LA 70118
Telephone No. (504) 861-8465
Representing SIERRA CLUB

I wish to speak.

I do not wish to speak.

I will submit written comments.

Department of Natural Resources

Coastal Management Division

Coastal Nonpoint Source Public Meeting

Name Terry Haines, U.S. Forest Service
Address Room 10210
City / State / Zip 701 Loyola Ave
New Orleans, La. 70113
Telephone No. 504-589-6652
Representing La. Society of American Foresters

I wish to speak.

I do not wish to speak.

I will submit written comments.

SECTION F

**PUBLIC HEARING TRANSCRIPTS INCLUDING COPIES OF
VERBAL TESTIMONY RECEIVED AT PUBLIC MEETINGS**

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

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DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL RESTORATION AND MANAGEMENT
COASTAL MANAGEMENT DIVISION
PUBLIC HEARINGS REGARDING
COASTAL NONPOINT POLLUTION CONTROL PROGRAM



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REPORTED BY: SYLVIA C. PASTRANO
CERTIFIED COURT REPORTER

1 (June 12, 1995 Lake Charles, LA Meeting):

2 Welcome here tonight. My name is
3 Greg Ducote. I work for the Department of Natural
4 Resources Coastal Management Division. The people with
5 whom I work are Ed Britton here to my right, Mr. Phil
6 Pittman to my left, Mr. David Reimers in the back with
7 his hand up, and just outside the door is Mr. Chuck
8 Spears. We are here tonight to receive comments on
9 coastal nonpoint pollution control document that we
10 will submit to Washington, to the NOAA and EPA people
11 per federal regulations and laws some time in the
12 middle of July of this year.

13 The program is a method and a way that
14 the federal government feels is a program necessary to
15 look at nonpoint pollution within those states that
16 have approved coastal management programs. I think
17 that most of you have probably looked at, read, and
18 been involved in the production of this document. We
19 anticipate that the program for at least several of the
20 near ensuing years will be voluntary. We hope that it
21 is voluntary throughout its existence. We hope that
22 everyone else has helped to make this a program that it
23 needs to be as good and as productive as it should be.
24 And without any further comment, I think that you know
25 most of these guys here, most of this stuff, so we will

1 Just get on with it. What we are going to have is we
2 are going to have a presentation from Mr. Phil Pittman
3 who will give us a brief synopsis of the program, what
4 it's designed to do and then we will accept comments on
5 the document that was sent out according to the public
6 notice. Thank you very much.

7 MR. PITTMAN:

8 Thanks, Greg. And we will
9 obviously accept written comments, too. The public
10 notices went out as early as May 30th. Some of them --
11 we are going to accept comments 30 days after the last
12 notice is published, which is -- which was probably
13 last week sometime, but so we will accept written
14 comments on this. I am going to give a little overview
15 of the program. I know to some of you all this might
16 be old hat because a lot of you have already heard
17 this, but just to give a little idea what nonpoint
18 pollution is, what the degree of coordination that we
19 have had with the various federal and state agencies to
20 date, and then go through the management measures that
21 we are required to handle in the program.

22 Heavy rainfall in Louisiana rinses
23 a variety of pollutants off our land flushing them into
24 our coastal waters. There pollutants accumulate,
25 threatening everything from shrimp and oysters to

1 redfish and bald eagles. The rainfall runoff carries
2 this pollution to our water bodies, but the primary
3 cause of the pollution is a variety of human
4 activities. Whether it's motor oil dumped down the
5 storm drain, herbicide sprayed in a ditch, or mud
6 washed off of a construction site, we all contribute to
7 the water pollutants that are rinsed off by the rain
8 from scattered or diffuse sources. This is what we
9 call nonpoint pollution.

10 The federal government has charged
11 each coastal state with the responsibility for
12 developing a plan to reduce the delivery of these
13 pollutants to our coastal waters. Louisiana's plan,
14 the Louisiana Coastal Nonpoint Pollution Control
15 Program is a product of coordination between many
16 agencies and advisors. It will ultimately, one,
17 identify best management practices, appropriate for all
18 the applicable pollutant source categories and; two, it
19 will carry out initiatives of public education,
20 technical assistance and development of enforcement
21 protocols in order to ensure implementation of BMPs on
22 the land.

23 Section 6217 of the Coastal Zone
24 Act Reauthorization Amendments of 1990 -- called
25 CZARA -- requires each coastal site to submit its plan

1 for review to two federal oversight agencies, NOAA or
2 the National Oceanic and Atmospheric Administration,
3 and EPA, the Environmental Protection Agency. The
4 Department of Natural Resources Coastal Management
5 Division was the agency designated to develop and
6 implement the program for Louisiana, working in close
7 coordination with the Louisiana Department of
8 Environmental Quality, and many other contributing
9 partners. Each state program is required to bring
10 about the implementation of appropriate management
11 measures and to accomplish the following six goals:
12 One, we have to identify land uses that may cause or
13 contribute to a degradation of coastal waters. Two, to
14 provide technical assistance to resource users and
15 local governments to implement these management
16 measures. Three, we have had to provide for public
17 participation in all aspects of the program. Four, we
18 had to establish mechanisms to improve coordination
19 among state and local agencies responsible for land use
20 programs and permitting, water quality permitting,
21 enforcement, habitat protection and public health and
22 safety. Five, identify critical coastal areas adjacent
23 to affected coastal waters and; six, implement any
24 additional management measures as necessary to achieve
25 and maintain water quality standards.

1 that this is not your only chance to do so. Written
2 comments will be welcomed throughout at least the end
3 of the month. After that, we will need to assemble and
4 print any comments that you all made, answer the
5 comments, make necessary revisions to the program
6 document, have it printed again and get our document
7 ready to be sent off by mid-July. The program document
8 itself is divided into sections on the designated 6217
9 management area boundary and on each of the five
10 sources of nonpoint pollution to be addressed. I will
11 now briefly talk about each one of these sections.

12 The inland boundary for Louisiana
13 6217 management area was recommended by NOAA and EPA to
14 encompass an area roughly three times the size of the
15 existing coastal zone. It would have extended
16 northwards almost to Alexandria. After analysis using
17 the existing data, Louisiana has recommended in its
18 program document that the new 6217 management area
19 inland boundary should be the same as the existing Act
20 361 coastal zone management inland boundary.

21 Louisiana's Justification for this is that adequate
22 natural and manmade barriers exist to prevent
23 significant nonpoint source pollution from reaching our
24 coastal waters, provided adequate best management
25 practices or BMPs are implemented in the existing

1 coastal management zone.

2 The agriculture section of the
3 program document was developed through the diligent
4 work of our agriculture subcommittee. This committee
5 was composed of 25 members from the agriculture
6 community including representatives from the Louisiana
7 Department of Agriculture and Forestry, Louisiana Farm
8 Bureau Federation, Louisiana Department of
9 Environmental Quality, Louisiana Cooperative Extension
10 Service, the USDA's NRCS and CFSA's offices, LSU's
11 Department of Biological and Agricultural Engineering
12 Department and various landowner and industry
13 representatives. They have begun reviewing existing
14 work on agriculture BMPs drawn from the diverse
15 committees of the LSU Ag Center and DEQ's statewide
16 Nonpoint Source Management Program, and other sources.
17 There were management measures that the committee was
18 required to review. These are the seven: One, erosion
19 and sediment control; two, confined animal facility
20 (small); three, confined animal facility (large); four,
21 nutrient management; five is pesticide management; six
22 is grazing management and; seven, irrigation
23 management.

24 A forestry subcommittee was
25 composed of 42 representatives from the following

1 agencies and/or industries. Again, the Department of
2 Agriculture and Forestry, Louisiana Forestry
3 Association, Louisiana Cooperative Extension Service,
4 Louisiana Department of Environmental Quality, the LSU
5 and Louisiana Tech Schools of Forestry, Boise Cascade,
6 Willamette Industries, International Paper, Cavenham
7 Forest Industries, Timberland Management Service, Stone
8 Container Corporation, the U.S. Forest Service, and
9 others. These subcommittee members met at least
10 monthly to develop the BMPs, drawing largely from the
11 best management practices given in the Department of
12 Forestry's manual entitled Recommended Forestry Best
13 Management Practices for Louisiana. The ten management
14 measures recommended by NOAA and EPA and reviewed by
15 the forestry subcommittee are as follows: The first
16 was preharvest planning. Second, streamside management
17 areas. Third, road construction and reconstruction.
18 Fourth was road management. Five, timber harvesting;
19 six, site preparation and forest regeneration; seven,
20 fire management; eight, revegetation of disturbed
21 areas; nine, forest chemical management and; ten,
22 wetlands forest.

23 The management measures for urban
24 runoff were developed by the highly diverse urban
25 subcommittee. This subcommittee was composed of

1 representatives from the following groups: Louisiana
2 Department of Environmental Quality, Department of
3 Transportation and Development, Department of Health
4 and Hospitals, Louisiana Cooperative Extension Service,
5 the Lake Pontchartrain Basin Foundation, New Orleans
6 Sewerage and Water Board and several of the parish
7 coastal zone agencies. The BMPs were developed by the
8 subcommittee in coordination with DEQ's statewide urban
9 program. They were required to look at 15 management
10 measures which are: One, new development; two,
11 watershed development; three, site development; four,
12 construction site erosion and sediment control; five,
13 construction site chemical control. Six, existing
14 development; seven, new onsite disposal systems; eight
15 is operating onsite disposal systems; nine, pollution
16 prevention. Ten, management measure for planning,
17 siting and developing of roads and highways. 11,
18 management measure for bridges; 12 is construction
19 projects; 13, construction site chemical control. 14,
20 management measure for operation and maintenance and;
21 15, management measure for road, highway and bridge
22 runoff systems.

23 Also, there are 102 marinas that
24 are located in Louisiana's coastal zone. These vary in
25 size from large municipal operations having 400 to 600

1 boat slips, to small operations having fewer than ten
2 slips. The BMPs developed for marinas and recreational
3 boating were formulated by the marina subcommittee
4 composed of representatives from LSU Sea Grant,
5 Louisiana Department of Wildlife and Fisheries,
6 Louisiana Cooperative Extension Service, U.S. Fish and
7 Wildlife Service, National Marine Fisheries Service,
8 and various marina owners and operators, many of which
9 are associated with the newly-formed Louisiana Marina
10 and Boat Yard Association. The proposed BMPs as
11 requested were distributed to all of our hundred and
12 two marinas for review and comment several months back.
13 The 15 management measures for which the subcommittee
14 developed our BMPs are as follows: One, marina
15 flushing; two, water quality assessment; three is
16 habitat assessment; four, shoreline stabilization;
17 five, stormwater runoff; six, fueling station design;
18 seven is sewage facility; eight, solid waste; nine,
19 fish waste; ten, liquid material; 11, petroleum
20 control; 12 was boat cleaning; 13, public education;
21 14, maintenance of sewerage facilities and; 15, boat
22 operation.

23 Our final section was on
24 hydromodification. The hydromodification section of
25 the program document deals with three subcategories of

1 nonpoint pollution sources that sometimes impact our
2 coastal waters. These are: One, channelization and
3 channel modification; two is dams; and three is
4 streambank and shoreline erosion. Hydromodification
5 subcommittee members included representatives from the
6 following agencies: Louisiana Department of
7 Transportation and Development; Louisiana Department of
8 Environmental Quality; Louisiana Cooperative Extension
9 Service; Louisiana Department of Wildlife and
10 Fisheries, U.S. Army Corps of Engineers, National
11 Marine Fisheries Service, Barataria Terrebonne National
12 Estuary Program, several of the large landowners, and
13 corporations like Louisiana Land and Exploration,
14 Miami, Continental Land and Furr, and also local parish
15 coastal zone personnel. This subcommittee worked to
16 develop BMPs for the following six management measures:
17 One, physical and chemical characteristics of surface
18 waters; two is instream and riparian habitat
19 restoration; three is erosion and sediment control.
20 Four, chemical and pollutant control. Five, protection
21 of surface water quality and instream and riparian
22 habitat; and six, eroding streambanks and shorelines.

23 With that, I think we will conclude
24 with mine and I think we are ready to begin.

25 MR. DUCOTE:

1 Phil, thanks, I appreciate it. I
2 have a couple of more comments that I did want to make,
3 and I wanted Phil to give his part before I made them.
4 For some of you who are most familiar with the document
5 that we had developed and that we in fact sent to
6 Washington for our threshold review, you have no doubt
7 noticed that this is somewhat different. For one
8 thing, the document that we sent to Washington for
9 threshold review, we requested an exclusion for
10 forestry. We have not received any comments from the
11 submission that we made in February, and in point of
12 fact, during the last week when we were in Chicago,
13 Phil and I for a meeting, a workshop on coastal
14 nonpoint, we had occasion to speak with a
15 representative from Alabama who informed us that
16 Alabama, while they had their threshold review in
17 December, had also yet to receive comments on their
18 document. We felt that, given the fact that we had not
19 gotten any comments back, that, and the indications --
20 coupled with the indications we had received, that it
21 would not be in our best interest or the best interest
22 of the people who are concerned about the program
23 document to leave that out of the public review
24 document that we sent out for everyone to look at as
25 the document that we would probably send to Washington.

1 If we do not hear from NOAA and EPA prior to the time
2 it is necessary to submit the document, the document as
3 it now exists with the comments or the responses to the
4 comments that we get in terms of these hearings will be
5 the document that is sent there. There is no reason to
6 believe on my part or on anybody else's that I have
7 spoken to that, if the exclusion is granted down the
8 road, that that section cannot merely be removed from
9 the document. That is what -- that is what my
10 understanding is and no one has told me anything to the
11 contrary with regard to that. It would be like any
12 other program. It is amendable.

13 With respect to the boundary, we do
14 not know what NOAA's response is, because like I say,
15 that was part of what they were to comment on and they
16 have not done so. In conversations with Mr. Reimers,
17 who was our contractor who did most of the research, as
18 Phil stated on the boundary, we see no reason why EPA
19 and NOAA should not accept our boundary and our
20 reasoning for the use of that boundary as the 6217
21 program boundary. It is, according to information we
22 have received from the federal agencies, their
23 responsibility to rebut our argument for that boundary,
24 and that is the way it stands now. I believe that
25 pretty well covers the other points that I did want to

1 make after Phil's, so.

2 MR. PITTMAN:

3 Wait, let me add, just to
4 reiterate, also, the submission has to be in, in mid-
5 July, we think July 19th. Then the federal oversight
6 agencies have until January of next year to approve the
7 program. Our program will not have -- we have
8 legislation that LSU Sea Grant legally has drawn up for
9 us to present this program to our legislature. That
10 has not been done yet. It can't be done next year
11 because it's a physical manner. In all probability, it
12 won't be till 1997. So we are hoping to give
13 conditional approval on this, giving us additional time
14 to get our legislation approved and everything. So
15 even if the program is approved in January of next
16 year, it will be conditionally approved because it
17 won't have gone through legislative process yet and in
18 all probability won't until 1997. That is all I am
19 going to have.

20 MR. DUCOTE:

21 All right. I have here those
22 people who have signed up to speak. If you would -- I
23 will call your name. At that time, if you indicated
24 previously that you would like to, if you would, Just
25 please step up to the podium and we will be happy to

1 receive your comments. Mr. Jerry G. Whatly.

2 MR. WHATLY:

3 I am going to reserve comment.

4 MR. DUCOTE:

5 Thank you very much. Mr. Dick
6 Myers. Would you please step up and state your name
7 and who you represent.

8 MR. MYERS:

9 I am Dick Myers. I represent the
10 Louisiana Forestry Association tonight. In December
11 1994, the combined Interagency/LFA (Louisiana Forestry
12 Association) committee for CZARA's (Coastal Zone Act
13 Reauthorization Amendments-1990) forestry category
14 recommended that Louisiana seek an exclusion for the
15 CZARA category of forestry, according to the published
16 CZARA guidelines. From a historical perspective, this
17 group set out to discover exactly how forestry and
18 silviculture fit into the Louisiana CZARA plan.
19 Through diligent exploration and work, the group found
20 that forestry is present but not reasonably expected to
21 individually or cumulatively present significant
22 adverse effects to living coastal resources or human
23 health. This position was supported by all three of
24 the state agencies involved: DNR, DEQ and the
25 Department of Agriculture and Forestry.

1 Further, the request to exclude
2 forestry was presented to the federal regulatory
3 agencies the February 22, 1995 Louisiana CZARA
4 Threshold Meeting.

5 Following that presentation, a NOAA
6 official told group that they would have a written
7 response back to the group in 90 days and even sooner
8 if the exclusion issue forestry was not
9 acceptable. The federal regulatory agency still have
10 not provided their response.

11 Because of the strength of the data
12 supporting the request, the Louisiana Forestry
13 Association recommends the following changes be made to
14 the CZAR draft document.

15 No. 1: As the major topic under
16 forestry, submit the original request for excluding the
17 forestry category. Also, additional supporting data
18 should be expanded, groomed, and included in the final
19 report. No. 2: When discussing forestry, that
20 category within the body of the report, delete all
21 other text and material not specifically supporting
22 forestry's exclusion from the Louisiana CZARA plan.

23 Using preliminary comparisons
24 between Louisiana forestry BMPs and the CZARA
25 management measures gives appearance of weakening our

1 support for excluding the forestry category. Also, the
2 mention of future changes in Louisiana BMPs is
3 tentative and therefore should be avoided because no
4 changes have been finalized or approved as required by
5 any stake holders, state or federal agencies.

6 The Louisiana Forestry Association
7 appreciates the opportunity to have participated with
8 your agency on this project. It is always a pleasure
9 to work with the kind of sincere, dedicated
10 professionals each of you has been throughout this
11 CZARA project. We look forward to continuing our work
12 together on these and future efforts. Thank you.

13 MR. DUCOTE:

14 Thank you, Mr. Myers. Appreciate
15 that. Mr. David Richard.

16 MR. RICHARD:

17 I am David Richard from Spring
18 Property Management. My only comments are a couple in
19 regard to the public participation. We find that it
20 was almost by chance that we are here tonight, that we
21 didn't see an awful lot of notice of this particular
22 meeting, and it has been even more difficult for us to
23 review the complete set of documents, especially in
24 areas where we feel that they may be affecting
25 landowners across the coast, whether they be in the

1 present coastal zone or whether they be in a coastal
2 zone boundary that will be determined in the future. I
3 don't feel qualified to go into detail because of
4 inadequate review of the documents. We were involved
5 early in the process, and on the public meetings that
6 were put together by the extension service and others,
7 I feel as if our participation since that point has
8 been limited. Thank you.

9 MR. DUCOTE:

10 Mr. Richard, I would like to offer
11 that, if after the meeting, you can let me know
12 whatever problems you have had with getting the
13 document or whatever, we'll make sure that those are
14 resolved for you as quickly as possible. As Phil
15 stated on a couple of occasions, you will have time
16 after this meeting to still submit written comments,
17 and we would certainly hope that you would do so. We
18 certainly do not have any intention of limiting public
19 input.

20 MR. RICHARD:

21 Greg, that was not the intent of my
22 comments at all.

23 MR. DUCOTE:

24 I realize it, but I really
25 appreciate it.

1 MR. RICHARD:

2 Okay.

3 MR. DUCOTE:

4 Mr. Clay Midkiff.

5 MR. MIDKIFF:

6 I already submitted written
7 comments.

8 MR. DUCOTE:

9 Thank you, sir. I appreciate it.
10 Is there anyone else at this time who would like to
11 offer any verbal comments on the proposed program
12 document or the program?

13 If not, I sure want to again thank
14 everyone for coming. Really appreciate it. I know
15 that you all probably have many other things that you
16 could or would rather be doing. Especially when we get
17 a day as nice as this one is outside this time of year.
18 It sure is pretty. But again, we thank you, and we
19 will be around for a while longer, in case anybody has
20 anything that they want to discuss with any of the
21 fellows here who have been working on the program.

22

23

24

25

1 (June 13, 1995, Lafayette, Louisiana meeting)

2 MR. DUCOTE:

3 I guess we could get started now,
4 if we could. All right.

5 Good evening, ladies and gentlemen.
6 My name is Greg Ducote. I am the program manager for
7 interagency affairs for the Coastal Management Division
8 of the Department of Natural Resources.

9 I would like to thank each of you
10 for coming here tonight.

11 The purpose of this meeting is to
12 receive comments on the proposed Coastal Nonpoint
13 Pollution Control Program document which the coastal
14 Management Decision in conjunction with many other
15 people representing many varied interests in the
16 coastal zone have written. Assisting me here this
17 evening and assisting with -- the people who have
18 mainly been responsible for putting the program
19 together is Mr. Phil Pittman to my left and Mr. Chuck
20 Spears, who just managed to walk out on me here. In
21 addition to being able to verbally comment on the
22 program here tonight, I urge you to also provide
23 written comments to the Coastal Management Division
24 regarding its proposed program. It is essential for
25 the program to have as much input as possible so that

1 the program that evolves out of the process can be the
2 most beneficial for the citizens and the resources of
3 the state.

4 There are a couple of things that I
5 would like to point out about the program about the
6 document before we begin with the presentation from
7 Mr. Pittman.

8 The document as mailed out for
9 review for these meetings is somewhat different from
10 the threshold review document that was submitted to the
11 NOAA and EPA in January of this year. During the
12 program's development, you are given an opportunity to
13 present to the feds, to NOAA, and EPA what might be
14 termed a preliminary draft of your document for what
15 they have termed a threshold review. We did that in
16 February of this year, but we have never received any
17 comments on it. In that document, the biggest
18 difference is the request for exclusion of the forestry
19 measures from the program document. When we sent its
20 threshold review document to Washington, the exclusion
21 for forestry was requested. Because we have not yet
22 received a response to the threshold review document,
23 it was felt that it would be in the best interest of
24 the program to include what we anticipate including if
25 the exclusion is not granted.

1 The second item is that we have yet
2 to hear from the federal reviewers whether or not the
3 boundary we have proposed for this program which
4 coincides with the present coastal boundary will be
5 accepted. This is an important item as the difference
6 in area covered between what the federal reviewers
7 first recommended and our proposal is about a factor of
8 three.

9 In closing my remarks, I would like
10 to reiterate that this is not your last opportunity to
11 have input into this program. We will be accepting and
12 do encourage written comments to be submitted to CMD
13 during the comment period which will run at least
14 through the end of June. The reason we don't have a
15 specific date as yet is we decided to wait till the
16 last published notice was made in one of the Journals
17 of the parishes, and set that as a beginning date for
18 300-day comment period.

19 We also intend to fine tune the
20 program as we move through the implementation phase
21 which will last for several years to come. We are
22 looking at this as our beginning. We think that it is
23 a good effort borne of the fruits of the labor of many.
24 We believe that quite a few talented and bright
25 individuals have put much hard work into this effort

1 and we are committed to seeing that it is a great
2 program that meets the needs of Louisiana. We want
3 this program tailored so that it meets our needs and
4 not some cookbook text from other areas that aren't
5 germane to what our problems are.

6 So, with that, I would like to
7 close my remarks and I am going to ask Mr. Phil Pittman
8 to provide you with a summary of the program that we
9 have.

10 MR. PITTMAN:

11 Thank you, Greg. I am going to
12 give you just a little information on what the coastal
13 nonpoint program entails, the management measures that
14 the program is required to address and some of the
15 coordinations, some of the different types of agencies
16 that we dealt with.

17 Heavy rainfall in Louisiana rinses
18 a variety of pollutants off our land flushing them into
19 our coastal waters. These pollutants accumulate,
20 threatening everything from shrimp and oysters to
21 redfish and bald eagles. The rainfall runoff carries
22 this pollution to our water bodies, but the primary
23 cause of the pollution is a variety of human
24 activities. Whether it's motor oil dumped down the
25 storm drain, herbicide sprayed in a ditch, or mud

1 washed off of a construction site, we all contribute to
2 the water pollutants that are rinsed off by the rain
3 from scattered or diffuse sources. This is what we
4 call nonpoint pollution.

5 The federal government has charged
6 each coastal state with the responsibility for
7 developing a plan to reduce the delivery of these
8 pollutants to our coastal waters. Louisiana's plan,
9 the Louisiana Coastal Nonpoint Pollution Control
10 Program is a product of coordination between many
11 agencies and advisors. It will ultimately, one,
12 identify best management practices, appropriate for all
13 the applicable pollutant source categories and; two, it
14 will carry out initiatives of public education,
15 technical assistance and development of enforcement
16 protocols in order to ensure implementation of BMPs on
17 the land.

18 Section 6217 of the Coastal Zone
19 Act Reauthorization Amendments of 1990 -- called
20 CZARA -- requires each coastal state to submit its plan
21 for review to two federal oversight agencies, NOAA or
22 the National Oceanic and Atmospheric Administration,
23 and EPA, the Environmental Protection Agency. The
24 Department of Natural Resources Coastal Management
25 Division was the agency designated to develop and

1 implement the program for Louisiana, working in close
2 coordination with the Louisiana Department of
3 Environmental Quality, and many other contributing
4 partners. Each state program is required to bring
5 about the implementation of appropriate management
6 measures and to accomplish the following six goals:
7 One, we have to identify land uses that may cause or
8 contribute to a degradation of coastal waters. Two, to
9 provide technical assistance to resource users and
10 local governments to implement these management
11 measures. Three, we have had to provide for public
12 participation in all aspects of the program. Four, we
13 had to establish mechanisms to improve coordination
14 among state and local agencies responsible for land use
15 programs and permitting, water quality permitting,
16 enforcement, habitat protection and public health and
17 safety. Five, identify critical coastal areas adjacent
18 to affected coastal waters and; six, implement any
19 additional management measures as necessary to achieve
20 and maintain water quality standards.

21 In February of 1994, the Coastal
22 Management Division established the Coastal Nonpoint
23 Interagency Committee to assist us in developing this
24 program. This committee is composed of 57 members from
25 various government agencies, user groups, landowners,

1 et cetera. From this committee five subcommittees were
2 formed -- one for each of the five sources of nonpoint
3 pollution that program must address, those being:
4 Agriculture, forestry, hydromodification, marinas and
5 urban. These five subcommittees have met monthly since
6 March of 1994 to assist Coastal Management in
7 developing this program.

8 Public meetings were held in 1994
9 to explain this program to the public. We have given
10 updates in various government and industry newsletters
11 throughout the development process. Many presentations
12 were given by myself and other CMD staff at various
13 conferences, seminars, workshops, local advisory
14 committee meetings, et cetera. We have also had some
15 pamphlets and posters which you might have seen in the
16 front there when you came in that were designed and
17 distributed to the public at festivals, conferences,
18 workshops, et cetera. This public meeting today is
19 designed to provide the public an opportunity to
20 comment on the program document. We emphasize again,
21 that this is not your only chance to do so. Written
22 comments will be welcomed throughout at least the end
23 of the month. After that, we will need to assemble and
24 print any comments that you all made, answer the
25 comments, make necessary revisions to the program

1 document, have it printed again and get our document
2 ready to be sent off by mid-July. The program document
3 itself is divided into sections on the designated 6217
4 management area boundary and on each of the five
5 sources of nonpoint pollution to be addressed. I will
6 now briefly talk about each one of these sections.

7 The inland boundary for Louisiana
8 6217 management area was recommended by NOAA and EPA to
9 encompass an area roughly three times the size of the
10 existing coastal zone. It would have extended
11 northwards almost to Alexandria. After analysis using
12 the existing data, Louisiana has recommended in its
13 program document that the new 6217 management area
14 inland boundary should be the same as the existing Act
15 361 coastal zone management inland boundary.
16 Louisiana's Justification for this is that adequate
17 natural and manmade barriers exist to prevent
18 significant nonpoint source pollution from reaching our
19 coastal waters, provided adequate best management
20 practices or BMPs are implemented in the existing
21 coastal management zone.

22 The agriculture section of the
23 program document was developed through the diligent
24 work of our agriculture subcommittee. This committee
25 was composed of 25 members from the agriculture

1 community including representatives from the Louisiana
2 Department of Agriculture and Forestry, Louisiana Farm
3 Bureau Federation, Louisiana Department of
4 Environmental Quality, Louisiana Cooperative Extension
5 Service, the USDA's NRCS and CFSA's offices, LSU's
6 Department of Biological and Agricultural Engineering
7 Department and various landowner and industry
8 representatives. They have begun reviewing existing
9 work on agriculture BMPs drawn from the diverse
10 committees of the LSU Ag Center and DEQ's statewide
11 Nonpoint Source Management Program, and other sources.
12 There were management measures that the committee was
13 required to review. These are the seven: One, erosion
14 and sediment control; two, confined animal facility
15 (small); three, confined animal facility (large); four,
16 nutrient management; five is pesticide management; six
17 is grazing management and; seven, irrigation
18 management.

19 A forestry subcommittee was
20 composed of 42 representatives from the following
21 agencies and/or industries. Again, the Department of
22 Agriculture and Forestry, Louisiana Forestry
23 Association, Louisiana Cooperative Extension Service,
24 Louisiana Department of Environmental Quality, the LSU
25 and Louisiana Tech Schools of Forestry, Boise Cascade,

1 Williamette Industries, International Paper, Cavenham
2 Forest Industries, Timberland Management Service, Stone
3 Container Corporation, the U.S. Forest Service, and
4 others. These subcommittee members met at least
5 monthly to develop the BMPs, drawing largely from the
6 best management practices given in the Department of
7 Forestry's manual entitled Recommended Forestry Best
8 Management Practices for Louisiana. The ten management
9 measures recommended by NOAA and EPA and reviewed by
10 the forestry subcommittee are as follows: The first
11 was preharvest planning. Second, streamside management
12 areas. Third, road construction and reconstruction.
13 Fourth was road management. Five, timber harvesting;
14 six, site preparation and forest regeneration; seven,
15 fire management; eight, revegetation of disturbed
16 areas; nine, forest chemical management and; ten,
17 wetlands forest.

18 The management measures for urban
19 runoff were developed by the highly diverse urban
20 subcommittee. This subcommittee was composed of
21 representatives from the following groups: Louisiana
22 Department of Environmental Quality, Department of
23 Transportation and Development, Department of Health
24 and Hospitals, Louisiana Cooperative Extension Service,
25 the Lake Pontchartrain Basin Foundation, New Orleans

1 Sewerage and Water Board and several of the parish
2 coastal zone agencies. The BMPs were developed by the
3 subcommittee in coordination with DEQ's statewide urban
4 program. They were required to look at 15 management
5 measures which are: One, new development; two,
6 watershed development; three, site development; four,
7 construction site erosion and sediment control; five,
8 construction site chemical control. Six, existing
9 development; seven, new onsite disposal systems; eight
10 is operating onsite disposal systems; nine, pollution
11 prevention. Ten, management measure for planning,
12 siting and developing of roads and highways. 11,
13 management measure for bridges; 12 is construction
14 projects; 13, construction site chemical control. 14,
15 management measure for operation and maintenance and;
16 15, management measure for road, highway and bridge
17 runoff systems.

18 Also, there are 102 marinas that
19 are located in Louisiana's coastal zone. These vary in
20 size from large municipal operations having 400 to 600
21 boat slips, to small operations having fewer than ten
22 slips. The BMPs developed for marinas and recreational
23 boating were formulated by the marina subcommittee
24 composed of representatives from LSU Sea Grant,
25 Louisiana Department of Wildlife and Fisheries,

1 Louisiana Cooperative Extension Service, U.S. Fish and
2 Wildlife Service, National Marine Fisheries Service,
3 and various marina owners and operators, many of which
4 are associated with the newly-formed Louisiana Marina
5 and Boat Yard Association. The proposed BMPs as
6 requested were distributed to all of our hundred and
7 two marinas for review and comment several months back.
8 The 15 management measures for which the subcommittee
9 developed our BMPs are as follows: One, marina
10 flushing; two, water quality assessment; three is
11 habitat assessment; four, shoreline stabilization;
12 five, stormwater runoff; six, fueling station design;
13 seven is sewage facility; eight, solid waste; nine,
14 fish waste; ten, liquid material; 11, petroleum
15 control; 12 was boat cleaning; 13, public education;
16 14, maintenance of sewerage facilities and; 15, boat
17 operation.

18 Our final section was on
19 hydromodification. The hydromodification section of
20 the program document deals with three subcategories of
21 nonpoint pollution sources that sometimes impact our
22 coastal waters. These are: One, channelization and
23 channel modification; two is dams; and three is
24 streambank and shoreline erosion. Hydromodification
25 subcommittee members included representatives from the

1 following agencies: Louisiana Department of
2 Transportation and Development; Louisiana Department of
3 Environmental Quality; Louisiana Cooperative Extension
4 Service; Louisiana Department of Wildlife and
5 Fisheries, U.S. Army Corps of Engineers, National
6 Marine Fisheries Service, Barataria Terrebonne National
7 Estuary Program, several of the large landowners, and
8 corporations like Louisiana Land and Exploration,
9 Miami, Continental Land and Furr, and also local parish
10 coastal zone personnel. This subcommittee worked to
11 develop BMPs for the following six management measures:
12 One, physical and chemical characteristics of surface
13 waters; two is instream and riparian habitat
14 restoration; three is erosion and sediment control.
15 Four, chemical and pollutant control. Five, protection
16 of surface water quality and instream and riparian
17 habitat; and six, eroding streambanks and shorelines.

18 I think that is kind of the program
19 in a nutshell. Again, as Greg said, we have had copies
20 available -- the document in the parish libraries and
21 the parish planning offices for at least a couple of
22 weeks now, and we will accept written comments. We
23 encourage you to submit comments that you might have.

24 MR. DUCOTE:

25 Thank you very much, Phil. What I

1 would like to do now is I have here two cards
2 indicating that individuals would like to speak. If
3 it's okay with them, what I will do is I will call
4 their name and ask if they would still like to make any
5 comments and they are more than welcome to come on up
6 and do so at that time, and then after those two
7 people, then anyone else who hasn't signed up or is
8 signed up and just hasn't carried the card up is more
9 than welcome. Mr. Semms Lynch.

10 MR. LYNCH:

11 Yes, I would like to speak.

12 MR. DUCOTE:

13 Okay. Come on up. If you come up
14 here, we can record it in the microphone.

15 MR. LYNCH:

16 All right. My name is Semms Lynch.
17 I run Acadiana Marina in Pecan Island, Louisiana in
18 Vermillion Parish. Mr. Pittman and some of the other
19 people have come by, several different agencies have
20 come by in the last couple of years about this nonpoint
21 pollution. My big concern is running a small business
22 is that there is too much government. We have marsh
23 property down there. We battle with marsh management
24 projects. I have DNR people. I have D and OPA people
25 looking at this big Vermillion corporation project

1 around us that yesterday went down there looking at the
2 marsh. Exxon owns all the property around Pecan
3 Island. They are leveeing it off and putting a big
4 marsh management project, so we can't flow water
5 through and move water through our property. So they
6 need to use flood control and water movement in all of
7 these DNR water projects. I have a marsh management
8 project; I was sued by the Tulane Law Clinic; so I know
9 about all these problems that you have. It's too much
10 government and they are wasting our taxpayers' money
11 and I have to fight it and I can't make a living with
12 it.

13 So, what I feel with all these
14 different projects that are happening and these
15 different regulations, like DEQ wants a fee. I have a
16 permit to operate from the Louisiana Health Department.
17 If they ask for my sanitary wastewater, why does DEQ
18 get involved in sanitary -- we are having too much
19 overlapping of governmental agencies. I went to school
20 as a biologist, worked ten years with Bob Odom with
21 aerial application and with commercial fish farming in
22 Louisiana, so I know all about the government part of
23 it. Everyone that works with these agencies should
24 have to work in a private business for two years before
25 he is in the government, because he is going to have

1 sympathy for these small businesses to see how the
2 regulations is causing problems to these people,
3 because we are working harder and making less money,
4 and you are going to put marinas and put people out of
5 business. And all of the practices that you talk about
6 are good marina practices. We know we have -- our
7 problem in this world is too many people. That is the
8 problem. That is where pollution is coming from. And
9 you are going to have to manage people. You have good
10 marina practices to keep all of these things in
11 condition, but what I am concerned about, they are
12 going to regulate you and they are going to charge fees
13 for it and we are not going to be able to afford the
14 fees.

15 So what I am going to do is sell
16 what I can and get out of the business, because in five
17 years with all the environmental regulations, nobody is
18 going to be in business. I saw what they did to Exxon
19 on those pits south of the marina and at Pecan Island
20 field. Exxon stopped 32 pits up. Now, if you think
21 this makes sense -- I was raised up in the marsh. My
22 father was a biologist with the Interior Department, so
23 I have been in the marsh all my life. And that is the
24 problem with a lot of these people. They have been in
25 the school and they have been in the books, but they

1 never have been down on the ground level to see what
2 the whole, the entire picture is. And they made Exxon
3 and then there was a battle between DNR and DEQ to see
4 if they could get these governmental agencies battling,
5 and you got EPA in there. I had a marsh management
6 plan and it took me four months -- took me eight months
7 for my permit. It took me that much time to get eight
8 agencies together to go ahead and approve it. They
9 said, why do you want to do this and do that? I want
10 to spend some money to keep the marsh so it doesn't
11 further deteriorate, but it costs you money, and with
12 the harassment and aggravation, nobody wants to do it.
13 We have things we want to do on our property, and it's
14 mind boggling the questions you get asked. These
15 people, I don't know where they come from. They don't
16 know anything about the marsh and what to do with it.

17 So, looking at it from a person
18 that is at the ground level, I am concerned about too
19 much government. As far as I am concerned, we need to
20 streamline and we need to consolidate a lot of these
21 agencies and say, okay, this is your boundary right
22 here, you can control this.

23 Like the National Marine Fisheries,
24 John Breaux and Bill Clinton passed a tax on
25 recreational fishing and with 24 and a half cents a

1 gallon excise tax on gasoline. Did you know that was
2 in the tax bill? So now we have dyed fuel and undyed
3 fuel. So you have to put separate facilities. You go
4 to Florida with a recreational boat, you cannot buy
5 diesel fuel in the intercoastal canal. Because they
6 got \$100,000 facility. They are not going to put that
7 where they are going to sell two, 3,000 gallons of
8 fuel. The IRS is the one that comes and audits you.
9 So you have got the IRS in the diesel fuel business. I
10 don't know who is going to come next. I am getting fed
11 up with it.

12 So, that is what you are going to
13 have to look at is you are going to destroy --
14 Louisiana has one of the most -- the richest coastlines
15 in the world, and we have the potential and we have the
16 things here. We have the resource and we -- we don't
17 have as many people as a lot of states have, but we
18 come back with all these regulations. And the National
19 Marine Fisheries, we can only catch five snapper and we
20 got this diesel fuel tax. So for a big boat, that is
21 \$100 a trip extra taxes they pay besides the boats and
22 equipment they have. So people are really discouraged
23 with trying to go offshore and doing anything. Our
24 reef program with the Wildlife and Fisheries, they dump
25 the stuff a hundred miles offshore. Well, we ought to

1 put it in the shallower water where people with smaller
2 boats can go and utilize it so the whole coastline so
3 we could have more tourism and have more people here.
4 So my business would be good, and the State of
5 Louisiana would generate more income. So, that is kind
6 of deviating from the subject, but I am telling you
7 what the problem. I am concerned the additional fees,
8 conflict between the different agencies as who is going
9 to be in charge, and so the whole situation is going to
10 be this overlapping thing.

11 DEQ with their discharge permits
12 and all that kind of stuff in the marina, the health
13 department says my oxidation ponds are way bigger than
14 what I need in the marsh. I have marshland, I put them
15 in there. People don't live there all the time. Your
16 oxidation ponds, you actually have to add water to them
17 cause they evaporate. I don't have a discharge. I
18 don't overflow the water in the marsh. I am trying to
19 keep the marsh good, and I planned it that way. And
20 when they come back and they battle, you get caught in
21 the middle and it costs money. My permit for some
22 stuff over there costs me 2,000. There is people in
23 the parish that have a septic tank that runs over in
24 the ditch and goes in the same water I am, so I don't
25 put anything in the water, but all these households are

1 dumping and polluting -- probably more pollutants than
2 I am putting in the water.

3 So I say, less government is what
4 we need. And I hope -- I see it's coming with these --
5 in five years, like I said, I know some people in
6 Florida, they are selling their marinas and going out
7 of the country because of the restrictions. Because
8 it's hit the east coast quicker than that. They want
9 you to wash water. The muddy wheelwater at the marina,
10 they want you to wash your boat in that. How are you
11 going to clean your boat with muddy water? They don't
12 even want you to even use well water or any detergents
13 at all.

14 So, you are getting unrealistic.
15 You have people -- you are going to have some problems.
16 You are going to try to keep the environment as clean
17 as possible, but you have to be in the real world. A
18 lot of these programs are just overkill. I mean, Exxon
19 had VALDEZ. I got a big seismographic company working
20 out of the marina right now doing a big 3-D
21 seismographic job for Exxon. Exxon is so crazy with
22 safety right now, everyone is quitting. Nobody wants
23 to work for them. Because they are twice as
24 restrictive as any other company and you can't work
25 with all of the garb -- you look like a spaceman going

1 out in the marsh and trying to work in this hot
2 weather.

3 So, it's overkill. I hope that
4 something can be done with these regulations that the
5 industry can live with. With all the other
6 restrictions with permitting with wetlands and
7 everything else, I just hope that we can weather the
8 thing, because the economy is a little better. People
9 are fishing a little more, and they are discouraged
10 with the restrictions. Louisiana has the fish here,
11 and the Florida people are coming over here and fishing
12 the commercial stuff, but I can't move my marina. If
13 they catch all the fish here, they are going to go to
14 Mexico and somewhere else and fish. But my marina, I
15 am right here, I am dead in the water. I can't pick it
16 up and move to somewhere else. So, I would appreciate
17 if you all would study my comments.

18 MR. DUCOTE:

19 We certainly will, Mr. Semms Lynch,
20 and I really appreciate it.

21 MR. LYNCH:

22 Thank you.

23 MR. DUCOTE:

24 I have another card from Mr. W. F.
25 Wieger.

1 MR. WIEGER:

2 Yes.

3 MR. DUCOTE:

4 Okay.

5 MR. WIEGER:

6 I just got a little curiosity, make
7 a little comment pertaining, you said there was a
8 hydrosection of the plan, and pertaining to the
9 repairing and stream site habitat, control, so on like
10 that, I happened to do the Whiskey Chitto River
11 yesterday -- no, Sunday, on a canoe trip, and
12 irrespective of whatever people could do to try to make
13 the Whiskey Chitto a real pretty place, mother nature
14 can be pretty devastating, too. Cause I was surprised
15 to see -- of course the river and I am told by the
16 people that live right in through the area there this
17 is the highest it's been this past winter. It's the
18 highest it's been in decades. Of course, it was over
19 the bridge I am told at Route 26 west of Overly. As
20 you go down the river, it's very obvious what sometimes
21 mother nature isn't the kindest thing in the world to
22 riparian vegetation cause there is a whale of a lot of
23 trees and stuff that has been dumped into the river
24 there, not a thing in the world done by man. It's kind
25 of interesting to think about it.

1 I do have a statement. I am W. F.
2 Wieger, Bill Wieger. I am forest manager for Roy O.
3 Martin Lumber Company and also a committeeman on the
4 CZARA subcommittee of the Louisiana Forestry
5 Association, so this is sort of like a combined
6 statement.

7 We concur emphatically with the
8 position of the Louisiana Forestry Association, that
9 EPA and NOAA should grant unconditional approval for
10 the exclusion of forestry as a section of the plan.

11 - EPA and NOAA, Coastal Program
12 Guidance is clear that states may exclude categories,
13 subcategories and individual nonpoint sources from the
14 6217 program when they are present but not reasonably
15 expected to individually or cumulatively present
16 significant adverse effects to living coast resources
17 or human health. For some time, the forestry interests
18 in Louisiana have been providing assistance to the
19 state agencies in the preparation of the forestry
20 category and the CZARA plan.

21 The forestry activities are a very
22 small contributor to nonpoint pollution, as has been
23 documented at five percent level, and the impact is
24 lessening as Forestry Best Management practices are
25 applied with greater emphasis; as a function of the

1 Clean Water Act. Thus an exclusion for forestry should
2 be implemented.

3 Operation of two nonpoint source
4 programs, CZARA and CWA, both of which oversee forestry
5 activities would be an unnecessary duplication of
6 federal/state programs that would be costly and
7 inefficient use of limited resources. Such duplication
8 will also be viewed as a disincentive and slap in the
9 face of landowners, loggers, foresters, rather than
10 recognition for a job well done under Clean Water Act.

11 Forestry interests have voiced
12 continuous support for Clean Water Act nonpoint source
13 programs, and we sense that forestry regulation within
14 CZARA is a misguided attempt to spend good money trying
15 to fix something that is not broken. Resultant
16 confusion among landowners where two different federal
17 programs will be in effect will be difficult to
18 overcome and unnecessary.

19 The exclusion for forestry has been
20 supported by all three of the state agencies involved:
21 The DNR, DEQ, and the Agriculture and Forestry. The
22 recommendation was presented to the federal regulatory
23 agencies at the February 22, Louisiana CZARA Threshold
24 Meeting, as you said earlier. Also, as you had said
25 earlier, advice from the NOAA officials or official was

1 that written response would be forthcoming within 90
2 days if an exclusion for forestry was not acceptable.

3 Since no response has been
4 provided, the conclusion ought to be that forestry
5 exclusion is acceptable, and therefore should not be
6 contained in this draft plan.

7 Because of the strength of the data
8 supporting the request, the Louisiana Forestry
9 Association recommends that the following changes be
10 made to the CZARA draft document. One: As the major
11 topic under forestry, submit the original request for
12 excluding the forestry category. Also, additional
13 supporting data should be expanded, groomed, and
14 included in the final report. Two: When discussing
15 forestry, that category within the body of the report,
16 delete all other text and material not specifically
17 supporting forestry's exclusion from the Louisiana
18 CZARA plan.

19 Using preliminary comparisons
20 between Louisiana forestry's BMPs and the CZARA
21 management measures gives the appearance of weakening
22 our support for excluding the forestry category. Also,
23 the mention of future changes in Louisiana BMPs is
24 tentative and therefore should be avoided because no
25 changes have been finalized or approved (as required)

1 by any stakeholders, state, or fed federal agencies.

2 Thank you for the opportunity to
3 present input to the development of the coastal
4 program.

5 MR. DUCOTE:

6 Thank you very much, Mr. Wieger.
7 We will make sure that comments are taken and with
8 serious consideration in our review of them and the
9 rest of the documents. Is there anyone else who would
10 like to comment relative to the program or the
11 document?

12 MR. DUCOTE:

13 If not, I will say that we will be
14 around for a while here yet. We can talk to you and
15 answer some questions perhaps and we sure do appreciate
16 everyone coming. We know that it takes of your time to
17 participate in these things, but we surely appreciate
18 it. It would not be a program without that. Thank you
19 very much.

20

21

22

23

24

25

1 (June 14, 1995 Thibodaux, Louisiana Meeting):

2 MR. DUCOTE:

3 All right. Ladies and gentlemen,
4 if we could I would like to go ahead and start the
5 meeting this evening.

6 Good evening, ladies and gentlemen.
7 My name is Greg Ducote. I am the program manager for
8 interagency affairs for the Coastal Management Division
9 of the Department of Natural Resources.

10 I want to thank each of you for
11 coming here tonight. I know that many of you have a
12 lot of other things that you would probably rather be
13 doing but we really do appreciate your input and
14 appreciate you coming here tonight to be with us.

15 The purpose of this meeting this
16 evening is to receive comments on the proposed Coastal
17 Nonpoint Pollution Control Program document which the
18 Coastal Management Division, in conjunction with many
19 other people representing many varied interests in the
20 coastal zone have written.

21 In addition to being able to
22 verbally comment on the program here today, I urge you
23 to also provide written comments to the Coastal
24 Management Division regarding this proposed program.
25 It is essential for the program to have as much input

1 as possible so that the program that evolves out of the
2 process can be the most beneficial for the citizens of
3 the State of Louisiana and the resources here.

4 There are a couple of things that I
5 would like to point out about the document before we
6 begin with the presentation from Mr. Phil Pittman.

7 The document as mailed out for
8 review for these meetings is somewhat different from
9 the threshold review document that was originally
10 submitted to the National Oceanic and Atmospheric
11 Administration and the Environmental Protection Agency
12 in January of this year. The biggest difference is
13 that this document does not contain requests for
14 exclusion of forestry from the program document. When
15 the CMD sent its threshold review document to
16 Washington, an exclusion for forestry was requested.
17 Because we have not yet received a response to the
18 threshold document, it was felt that it would be in the
19 best interest of the program to include what we
20 anticipate being necessary to have in the document if
21 the exclusion is not granted.

22 The second item is that we have yet
23 to hear from the reviewers whether or not the boundary
24 that we have proposed for this program which coincides
25 with the present coastal boundary will be accepted.

1 This is an important item as the difference in area
2 covered between what the federal reviewers first
3 recommended and our proposal is about a factor of
4 three. I am talking about a difference of between five
5 and 16 million acres.

6 In closing my remarks, I would like
7 to reiterate that this is not your last opportunity to
8 have input into the program. We will be accepting and
9 do encourage written comments to be submitted to CMD
10 during the comment period which will run at a minimum
11 through the end of June. We also intend to fine tune
12 the program as we move through the implementation phase
13 which will last for several years to come. We are
14 looking at this as our beginning. We think that it is
15 a good effort borne of the fruits of many people. We
16 believe that these talented and bright individuals have
17 put much work into this effort and we are committed to
18 seeing that it is a great program that meets the needs
19 of Louisiana, that the program is tailored to what our
20 problems are here and that it addresses them.

21 And without any further adieu, I
22 would like to introduce to you Mr. Ed Britton. Ed
23 works on the coastal nonpoint program, and he is going
24 to give us a brief summary and overview of the program.

25 MR. BRITTON:

1 Thank you, Greg. I will say just a
2 few words about the various source categories of
3 nonpoint source pollution that we are addressing in
4 this program.

5 Heavy rainfall in Louisiana rinses
6 a variety of pollutants off our land flushing them into
7 our coastal waters. These pollutants accumulate,
8 threatening everything from shrimp and oysters to
9 redfish and bald eagles. The rainfall runoff carries
10 this pollution to our water bodies, but the primary
11 cause of the pollution is a variety of human
12 activities. Whether it's motor oil dumped down the
13 storm drain, herbicide sprayed in a ditch, or mud
14 washed off of a construction site, we all contribute to
15 the water pollutants that are rinsed off by the rain
16 from scattered or diffuse sources. This is what we
17 call nonpoint pollution.

18 The federal government has charged
19 each coastal state with the responsibility for
20 developing a plan to reduce the delivery of these
21 pollutants to our coastal waters. Louisiana's plan,
22 the Louisiana Coastal Nonpoint Pollution Control
23 Program is a product of coordination between many
24 agencies and advisors. It will ultimately, one,
25 identify best management practices, appropriate for all

1 the applicable pollutant source categories and; two, it
2 will carry out initiatives of public education,
3 technical assistance and development of enforcement
4 protocols in order to ensure implementation of BMPs on
5 the land.

6 Section 6217 of the Coastal Zone
7 Act Reauthorization Amendments of 1990 -- called
8 CZARA -- requires each coastal site to submit its plan
9 for review to two federal oversight agencies, NOAA or
10 the National Oceanic and Atmospheric Administration,
11 and EPA, the Environmental Protection Agency. The
12 Department of Natural Resources Coastal Management
13 Division was the agency designated to develop and
14 implement the program for Louisiana, working in close
15 coordination with the Louisiana Department of
16 Environmental Quality, and many other contributing
17 partners. Each state program is required to bring
18 about the implementation of appropriate management
19 measures and to accomplish the following six goals:
20 One, we have to identify land uses that may cause or
21 contribute to a degradation of coastal waters. Two, to
22 provide technical assistance to resource users and
23 local governments to implement these management
24 measures. Three, we have had to provide for public
25 participation in all aspects of the program. Four, we

1 had to establish mechanisms to improve coordination
2 among state and local agencies responsible for land use
3 programs and permitting, water quality permitting,
4 enforcement, habitat protection and public health and
5 safety. Five, identify critical coastal areas adjacent
6 to affected coastal waters and; six, implement any
7 additional management measures as necessary to achieve
8 and maintain water quality standards.

9 In February of 1994, the Coastal
10 Management Division established the Coastal Nonpoint
11 Interagency Committee to assist us in developing this
12 program. This committee is composed of 57 members from
13 various government agencies, user groups, landowners,
14 et cetera. From this committee five subcommittees were
15 formed -- one for each of the five sources of nonpoint
16 pollution that program must address, those being:
17 Agriculture, forestry, hydromodification, marinas and
18 urban. These five subcommittees have met monthly since
19 March of 1994 to assist Coastal Management in
20 developing this program.

21 Public meetings were held in 1994
22 to explain this program to the public. We have given
23 updates in various government and industry newsletters
24 throughout the development process. Many presentations
25 were given by myself and other CMD staff at various

1 conferences, seminars, workshops, local advisory
2 committee meetings, et cetera. We have also had some
3 pamphlets and posters which you might have seen in the
4 front there when you came in that were designed and
5 distributed to the public at festivals, conferences,
6 workshops, et cetera. This public meeting today is
7 designed to provide the public an opportunity to
8 comment on the program document. We emphasize again,
9 that this is not your only chance to do so. Written
10 comments will be welcomed throughout at least the end
11 of the month. After that, we will need to assemble and
12 print any comments that you all made, answer the
13 comments, make necessary revisions to the program
14 document, have it printed again and get our document
15 ready to be sent off by mid-July. The program document
16 itself is divided into sections on the designated 6217
17 management area boundary and on each of the five
18 sources of nonpoint pollution to be addressed. I will
19 now briefly talk about each one of these sections.

20 The inland boundary for Louisiana
21 6217 management area was recommended by NOAA and EPA to
22 encompass an area roughly three times the size of the
23 existing coastal zone. It would have extended
24 northwards almost to Alexandria. After analysis using
25 the existing data, Louisiana has recommended in its

1 program document that the new 6217 management area
2 inland boundary should be the same as the existing Act
3 361 coastal zone management inland boundary.
4 Louisiana's Justification for this is that adequate
5 natural and manmade barriers exist to prevent
6 significant nonpoint source pollution from reaching our
7 coastal waters, provided adequate best management
8 practices or BMPs are implemented in the existing
9 coastal management zone.

10 The agriculture section of the
11 program document was developed through the diligent
12 work of our agriculture subcommittee. This committee
13 was composed of 25 members from the agriculture
14 community including representatives from the Louisiana
15 Department of Agriculture and Forestry, Louisiana Farm
16 Bureau Federation, Louisiana Department of
17 Environmental Quality, Louisiana Cooperative Extension
18 Service, the USDA's NRCS and CFSA's offices, LSU's
19 Department of Biological and Agricultural Engineering
20 Department and various landowner and industry
21 representatives. They have begun reviewing existing
22 work on agriculture BMPs drawn from the diverse
23 committees of the LSU Ag Center and DEQ's statewide
24 Nonpoint Source Management Program, and other sources.
25 There were management measures that the committee was

1 required to review. These are the seven: One, erosion
2 and sediment control; two, confined animal facility
3 (small); three, confined animal facility (large); four,
4 nutrient management; five is pesticide management; six
5 is grazing management and; seven, irrigation
6 management.

7 A forestry subcommittee was
8 composed of 42 representatives from the following
9 agencies and/or industries. Again, the Department of
10 Agriculture and Forestry, Louisiana Forestry
11 Association, Louisiana Cooperative Extension Service,
12 Louisiana Department of Environmental Quality, the LSU
13 and Louisiana Tech Schools of Forestry, Boise Cascade,
14 Willamette Industries, International Paper, Cavenham
15 Forest Industries, Timberland Management Service, Stone
16 Container Corporation, the U.S. Forest Service, and
17 others. These subcommittee members met at least
18 monthly to develop the BMPs, drawing largely from the
19 best management practices given in the Department of
20 Forestry's manual entitled Recommended Forestry Best
21 Management Practices for Louisiana. The ten management
22 measures recommended by NOAA and EPA and reviewed by
23 the forestry subcommittee are as follows: The first
24 was preharvest planning. Second, streamside management
25 areas. Third, road construction and reconstruction.

1 Fourth was road management. Five, timber harvesting;
2 six, site preparation and forest regeneration; seven,
3 fire management; eight, revegetation of disturbed
4 areas; nine, forest chemical management and; ten,
5 wetlands forest.

6 The management measures for urban
7 runoff were developed by the highly diverse urban
8 subcommittee. This subcommittee was composed of
9 representatives from the following groups: Louisiana
10 Department of Environmental Quality, Department of
11 Transportation and Development, Department of Health
12 and Hospitals, Louisiana Cooperative Extension Service,
13 the Lake Pontchartrain Basin Foundation, New Orleans
14 Sewerage and Water Board and several of the parish
15 coastal zone agencies. The BMPs were developed by the
16 subcommittee in coordination with DEQ's statewide urban
17 program. They were required to look at 15 management
18 measures which are: One, new development; two,
19 watershed development; three, site development; four,
20 construction site erosion and sediment control; five,
21 construction site chemical control. Six, existing
22 development; seven, new onsite disposal systems; eight
23 is operating onsite disposal systems; nine, pollution
24 prevention. Ten, management measure for planning,
25 siting and developing of roads and highways. 11,

1 management measure for bridges; 12 is construction
2 projects; 13, construction site chemical control. 14,
3 management measure for operation and maintenance and;
4 15, management measure for road, highway and bridge
5 runoff systems.

6 Also, there are 102 marinas that
7 are located in Louisiana's coastal zone. These vary in
8 size from large municipal operations having 400 to 600
9 boat slips, to small operations having fewer than ten
10 slips. The BMPs developed for marinas and recreational
11 boating were formulated by the marina subcommittee
12 composed of representatives from LSU Sea Grant,
13 Louisiana Department of Wildlife and Fisheries,
14 Louisiana Cooperative Extension Service, U.S. Fish and
15 Wildlife Service, National Marine Fisheries Service,
16 and various marina owners and operators, many of which
17 are associated with the newly-formed Louisiana Marina
18 and Boat Yard Association. The proposed BMPs as
19 requested were distributed to all of our hundred and
20 two marinas for review and comment several months back.
21 The 15 management measures for which the subcommittee
22 developed our BMPs are as follows: One, marina
23 flushing; two, water quality assessment; three is
24 habitat assessment; four, shoreline stabilization;
25 five, stormwater runoff; six, fueling station design;

1 seven is sewage facility; eight, solid waste; nine,
2 fish waste; ten, liquid material; 11, petroleum
3 control; 12 was boat cleaning; 13, public education;
4 14, maintenance of sewerage facilities and; 15, boat
5 operation.

6 Our final section was on
7 hydromodification. The hydromodification section of
8 the program document deals with three subcategories of
9 nonpoint pollution sources that sometimes impact our
10 coastal waters. These are: One, channelization and
11 channel modification; two is dams; and three is
12 streambank and shoreline erosion. Hydromodification
13 subcommittee members included representatives from the
14 following agencies: Louisiana Department of
15 Transportation and Development; Louisiana Department of
16 Environmental Quality; Louisiana Cooperative Extension
17 Service; Louisiana Department of Wildlife and
18 Fisheries, U.S. Army Corps of Engineers, National
19 Marine Fisheries Service, Barataria Terrebonne National
20 Estuary Program, several of the large landowners, and
21 corporations like Louisiana Land and Exploration,
22 Miami, Continental Land and Furr, and also local parish
23 coastal zone personnel. This subcommittee worked to
24 develop BMPs for the following six management measures:
25 One, physical and chemical characteristics of surface

1 waters; two is instream and riparian habitat
2 restoration; three is erosion and sediment control.
3 Four, chemical and pollutant control. Five, protection
4 of surface water quality and instream and riparian
5 habitat; and six, eroding streambanks and shorelines.

6 This concludes our review of the
7 five major source categories of nonpoint source
8 pollution that may impact coastal waters and of the
9 associated management measures associated with each of
10 those source categories. Greg.

11 MR. DUCOTE:

12 Thank you, Ed. That basically
13 concludes our portion of the meeting. The document
14 that was distributed details all of the measures and
15 all of the work that was done and what conclusions we
16 came to and what program we intend to submit. The way
17 I would like to do the commenting is I have cards from
18 at least three of the people who indicated that they
19 would like to speak this evening. What I will do is I
20 will call your name. If you would step up to the
21 table, have a seat and proceed with your comments, and
22 remember that we also would request that, if you would
23 like, you could -- you are more than welcome to send
24 them in writing to also us, and thank you very much.

25 The first person I will call is

1 Mr. Mike Waldon.

2 MR. WALDON:

3 Thank you. I am Mike Waldon. I am
4 here representing myself. I am an environmental
5 engineer in the State of Louisiana and associate
6 professor of civil engineering at USL but, as I say, I
7 represent myself and not the university or any other
8 organization. I wanted to comment and recognize the
9 progress and the extensive amount of work that has been
10 done in producing these reports, and note that nonpoint
11 source pollution is really the most extensive source of
12 pollution in the State of Louisiana, as is true in most
13 other parts of the country, but particularly true here
14 because of high levels of coliform bacteria, nutrients,
15 pesticides and oxygen demanding substances all are
16 predominantly coming from nonpoint sources in the
17 state.

18 I hope that in your plans, you will
19 keep in mind the need for interagency cooperation,
20 particularly with things that aren't related to
21 nonpoint source pollution. For example, flood control
22 and drainage projects need to have a consideration of
23 their impacts on nonpoint source when these projects
24 are proposed. Highway construction needs to consider
25 the environmental impact at the time that highways are

1 designed. And building construction, particularly by
2 the state, since we are the people who are supposedly
3 showing the example for other citizens, when we choose
4 to build a building, there needs to be a consideration
5 of the impact on nonpoint source pollution. So, I hope
6 that you will incorporate this kind of interagency
7 work, not only with other state and federal agencies
8 but also with the local parishes.

9 One thing that concerns me about
10 the proposal is the boundary. One of the key
11 approaches that is now being taken in water pollution
12 control is a watershed approach, and this basically
13 follows idea that pollution comes from upstream/
14 downstream. So if you don't include the upstream
15 areas, then you are leaving out a large portion of the
16 sources of water pollution that affect the coast, so I
17 hope that to the greatest extent possible, you will
18 include the whole watersheds of our coastal areas in
19 your program. I know that while that is impossible,
20 since one of our watersheds is the Mississippi River
21 down here, and you certainly can't include all the 30
22 some states and provinces of Canada that drain in the
23 Mississippi River, we certainly should be sure that we
24 include things like Houma and Thibodaux and the areas a
25 little further up. It's only equitable that we do

1 this. If we ask people that live right on the coast to
2 help us in reducing pollution, then it's only equitable
3 that people who live further up and also discharge into
4 those same water bodies also pay the small price that
5 is being asked to help and cooperate in reducing
6 pollution.

7 And my final comment is that some
8 consideration definitely needs to be given to the types
9 of receiving bodies that are receiving the nonpoint
10 source pollution. All water bodies are not equal, so
11 when we define a BMP, for example, that is appropriate
12 for a certain type of use, you should also consider the
13 water body that is being discharged into, whether that
14 is conditional or a wetland or open water. Certainly,
15 for example, if you are discharging nonpoint source
16 pollution, which is high in coliform bacteria, into
17 open water near an oyster bed, you need to be much more
18 concerned about that bacteria than you do if you are
19 discharging into a wetland that will take many days to
20 finally find its way down to any kind of an oyster bed.
21 So some areas are more sensitive to certain types of
22 pollution and some areas are less sensitive. This
23 needs to be considered in any planning you do.

24 MR. DUCOTE:

25 Thank you very much.

1 MR. WALDON:

2 Thank you. Mr. John Sullivan.

3 MR. SULLIVAN:

4 I am John Sullivan, district
5 manager with Bennett & Peters, Incorporated. We are
6 consulting foresters, and I am also a member of the
7 CZARA subcommittee of the Louisiana Forestry
8 Association. I appreciate the opportunity that this
9 hearing provides to make the following comments
10 concerning the draft planned document for Coastal
11 Nonpoint Pollution Control Program.

12 In December of '94, I was involved
13 in a combined Interagency/LFA committee for CZARA's
14 forestry category, meeting that voted to recommend that
15 Louisiana seek an exclusion for the CZARA category for
16 forestry. The position was supported by all three of
17 the state agencies involved which were: DNR, DEQ and
18 the Department of Agriculture and Forestry. This
19 position was taken based on forestry activities having
20 a very small contribution to nonpoint pollution and is
21 currently on the decrease with the current emphasis
22 placed on Louisiana's voluntary forestry best
23 management practices. That data supporting this
24 position was presented to the federal regulatory
25 agencies on February the 22nd, 1995 at the CZARA

1 Threshold Meeting. The agencies indicated to those
2 present that they would have a written response back
3 with to the group in 90 days and even sooner if the
4 exclusion for forestry was not acceptable. The federal
5 regulatory agencies still have not provided their
6 response.

7 Because of the supporting data and
8 the current programs in place in Louisiana, the
9 Louisiana Forestry Association recommends the following
10 changes to be made to the CZARA draft document. No. 1:
11 As the major topic under forestry, submit the original
12 request for excluding the forestry category. Also,
13 additional supporting data should be expanded, groomed,
14 and included in the final report. No. 2: When
15 discussing forestry, that category within the body of
16 the report, delete all other text and material not
17 specifically supporting forestry's exclusion from the
18 Louisiana CZARA plan.

19 We are concerned that comparisons
20 between the Louisiana's Forestry BMPs and the CZARA
21 management measures may appear to weaken our support
22 for expanding Louisiana's forestry category. We are
23 also concerned that the mention of prospective changes
24 in Louisiana's BMPs will be misconstrued by the federal
25 regulatory agencies since no changes have been

1 finalized or approved at this time.

2 I would again like to express my
3 appreciation along with that of the Louisiana Forestry
4 Association for the opportunity to work with the
5 agencies that are represented here on the category of
6 forestry under CZARA; and we look forward to a
7 continued excellent working relationship. Thank you.

8 MR. DUCOTE:

9 Appreciate your comments, Mr.
10 Sullivan. Thank you very much. Ms. Ann Buras.

11 MS. BURRUSS:

12 Good evening. I am Ann Burruss,
13 and I am with the Coalition to Restore Coastal
14 Louisiana. I am the science and technology director,
15 and I would like to thank you for giving us this
16 opportunity to comment on the document. We would like
17 to thank all the many people who have lots of good
18 input into the document. It looks really good. We'd
19 like to see a really strong incentive to have such a
20 program implemented. I have kind of comments and
21 questions. In the document, fastlands are defined, and
22 I believe they are defined as areas above five feet in
23 elevation or behind levees, and more or less it reads
24 that, fastlands are exempted from some proposal,
25 because they typically don't directly impact on coastal

1 waters. In many of our coastal areas, our fastlands
2 are pumped. There are many stormwater pumps. In fact
3 the Barataria-Terrebonne National Estuary Program
4 commissioned a study that all the stormwater pumps
5 throughout the Baratraria Basin and many of them
6 drained into open urban areas or agricultural areas or
7 agricultural areas. Of course, many of these areas
8 produce a lot of the pollutant loading that would occur
9 during storms, so my question is how the coastal
10 Nonpoint Pollution Control Program is going to address
11 stormwater pumps that do drain fastlands but into the
12 coastal wetlands?

13 MR. DUCOTE:

14 Thanks.

15 MS. BURRUSS:

16 We will probably submit some
17 additional comments in writing. Thank you.

18 MR. DUCOTE:

19 Appreciate it. Thank you very
20 much, Ms. Burruss. Is there anyone else who didn't
21 fill out a card who would like to make any comments now
22 relative to the program? If not, I would again like to
23 thank all of you for coming. I know that many of you
24 probably had other things that you would rather be
25 doing, but we appreciate the input and we appreciate

1 your taking the time and effort to come here and be
2 part of the this. We do again, I reiterate, encourage
3 you to submit us written comments. There will be
4 another meeting tomorrow evening in Harahan, Louisiana
5 in the Yenni, Joseph Yenni Public Building. I believe
6 that is the building that Jefferson Parish municipal
7 offices are housed in, and it's off of Clearview
8 Parkway, I believe.

9 MR. PITTMAN:

10 It's on the Elmwood Park Boulevard.
11 So -- again, if you would like to be Join us, you would
12 be welcomed.

13 MR. DUCOTE:

14 Thank you all very much for coming.
15 We appreciate it.

16 (June 15, 1996 Harahan, Louisiana Meeting):

17 Good evening, ladies and gentlemen.
18 My name is Greg Ducote. I am the program manager for
19 interagency affairs for the Coastal Management Division
20 of the Department of Natural Resources.

21 I want to thank each of you for
22 coming here tonight. I know that many of you have a
23 lot of other things that you would probably rather be
24 doing but we really do appreciate your input and
25 appreciate you coming here tonight to be with us.

1 The purpose of this meeting this
2 evening is to receive comments on the proposed Coastal
3 Nonpoint Pollution Control Program document which the
4 Coastal Management Division, in conjunction with many
5 other people representing many varied interests in the
6 coastal zone have written.

7 In addition to being able to
8 verbally comment on the program here today, I urge you
9 to also provide written comments to the Coastal
10 Management Division regarding this proposed program.
11 It is essential for the program to have as much input
12 as possible so that the program that evolves out of the
13 process can be the most beneficial for the citizens of
14 the State of Louisiana and the resources here.

15 There are a couple of things that I
16 would like to point out about the document before we
17 begin with the presentation from Mr. Phil Pittman.

18 The document as mailed out for
19 review for these meetings is somewhat different from
20 the threshold review document that was originally
21 submitted to the National Oceanic and Atmospheric
22 Administration and the Environmental Protection Agency
23 in January of this year. The biggest difference is
24 that this document does not contain requests for
25 exclusion of forestry from the program document. When

1 the CMD sent its threshold review document to
2 Washington, an exclusion for forestry was requested.
3 Because we have not yet received a response to the
4 threshold document, it was felt that it would be in the
5 best interest of the program to include what we
6 anticipate being necessary to have in the document if
7 the exclusion is not granted.

8 The second item is that we have yet
9 to hear from the reviewers whether or not the boundary
10 that we have proposed for this program which coincides
11 with the present coastal boundary will be accepted.
12 This is an important item as the difference in area
13 covered between what the federal reviewers first
14 recommended and our proposal is about a factor of
15 three. I am talking about a difference of between five
16 and 16 million acres.

17 In closing my remarks, I would like
18 to reiterate that this is not your last opportunity to
19 have input into the program. We will be accepting and
20 do encourage written comments to be submitted to CMD
21 during the comment period which will run at a minimum
22 through the end of June. We also intend to fine tune
23 the program as we move through the implementation phase
24 which will last for several years to come. We are
25 looking at this as our beginning. We think that it is

1 a good effort borne of the fruits of many people. We
2 believe that these talented and bright individuals have
3 put much work into this effort and we are committed to
4 seeing that it is a great program that meets the needs
5 of Louisiana.

6 Without any further adieu, I would
7 like to turn program over to one of the people who did
8 a lot of work on it. That is Mr. Phil Pittman who is
9 from the Coastal Management Division office, the
10 coordinator for the nonpoint.

11 MR. PITTMAN:

12 Thank you, Greg. I am going to
13 give you a little summary of what is in the document
14 for those of you all who haven't seen it, give a little
15 idea of what nonpoint pollution is, the amount of
16 coordination that we have had with the different
17 agencies, what is in the document as far as what the
18 boundary is and the five sources that we are required
19 to cover in our program.

20 Heavy rainfall in Louisiana rinses
21 a variety of pollutants off our land flushing them into
22 our coastal waters. There pollutants accumulate,
23 threatening everything from shrimp and oysters to
24 redfish and bald eagles. The rainfall runoff carries
25 this pollution to our water bodies, but the primary

1 cause of the pollution is a variety of human
2 activities. Whether it's motor oil dumped down the
3 storm drain, herbicide sprayed in a ditch, or mud
4 washed off of a construction site, we all contribute to
5 the water pollutants that are rinsed off by the rain
6 from scattered or diffuse sources. This is what we
7 call nonpoint pollution.

8 The federal government has charged
9 each coastal state with the responsibility for
10 developing a plan to reduce the delivery of these
11 pollutants to our coastal waters. Louisiana's plan,
12 the Louisiana Coastal Nonpoint Pollution Control
13 Program is a product of coordination between many
14 agencies and advisors. It will ultimately, one,
15 identify best management practices, appropriate for all
16 the applicable pollutant source categories and; two, it
17 will carry out initiatives of public education,
18 technical assistance and development of enforcement
19 protocols in order to ensure implementation of BMPs on
20 the land.

21 Section 6217 of the Coastal Zone
22 Act Reauthorization Amendments of 1990 -- called
23 CZARA -- requires each coastal site to submit its plan
24 for review to two federal oversight agencies, NOAA or
25 the National Oceanic and Atmospheric Administration,

1 and EPA, the Environmental Protection Agency. The
2 Department of Natural Resources Coastal Management
3 Division was the agency designated to develop and
4 implement the program for Louisiana, working in close
5 coordination with the Louisiana Department of
6 Environmental Quality, and many other contributing
7 partners. Each state program is required to bring
8 about the implementation of appropriate management
9 measures and to accomplish the following six goals:
10 One, we have to identify land uses that may cause or
11 contribute to a degradation of coastal waters. Two, to
12 provide technical assistance to resource users and
13 local governments to implement these management
14 measures. Three, we have had to provide for public
15 participation in all aspects of the program. Four, we
16 had to establish mechanisms to improve coordination
17 among state and local agencies responsible for land use
18 programs and permitting, water quality permitting,
19 enforcement, habitat protection and public health and
20 safety. Five, identify critical coastal areas adjacent
21 to affected coastal waters and; six, implement any
22 additional management measures as necessary to achieve
23 and maintain water quality standards.

24 In February of 1994, the Coastal
25 Management Division established the Coastal Nonpoint

1 Interagency Committee to assist us in developing this
2 program. This committee is composed of 57 members from
3 various government agencies, user groups, landowners,
4 et cetera. From this committee five subcommittees were
5 formed -- one for each of the five sources of nonpoint
6 pollution that program must address, those being:
7 Agriculture, forestry, hydromodification, marinas and
8 urban. These five subcommittees have met monthly since
9 March of 1994 to assist Coastal Management in
10 developing this program.

11 Public meetings were held in 1994
12 to explain this program to the public. We have given
13 updates in various government and industry newsletters
14 throughout the development process. Many presentations
15 were given by myself and other CMD staff at various
16 conferences, seminars, workshops, local advisory
17 committee meetings, et cetera. We have also had some
18 pamphlets and posters which you might have seen in the
19 front there when you came in that were designed and
20 distributed to the public at festivals, conferences,
21 workshops, et cetera. This public meeting today is
22 designed to provide the public an opportunity to
23 comment on the program document. We emphasize again,
24 that this is not your only chance to do so. Written
25 comments will be welcomed throughout at least the end

1 of the month. After that, we will need to assemble and
2 print any comments that you all made, answer the
3 comments, make necessary revisions to the program
4 document, have it printed again and get our document
5 ready to be sent off by mid-July. The program document
6 itself is divided into sections on the designated 6217
7 management area boundary and on each of the five
8 sources of nonpoint pollution to be addressed. I will
9 now briefly talk about each one of these sections.

10 The inland boundary for Louisiana
11 6217 management area was recommended by NOAA and EPA to
12 encompass an area roughly three times the size of the
13 existing coastal zone. It would have extended
14 northwards almost to Alexandria. After analysis using
15 the existing data, Louisiana has recommended in its
16 program document that the new 6217 management area
17 inland boundary should be the same as the existing Act
18 361 coastal zone management inland boundary.

19 Louisiana's Justification for this is that adequate
20 natural and manmade barriers exist to prevent
21 significant nonpoint source pollution from reaching our
22 coastal waters, provided adequate best management
23 practices or BMPs are implemented in the existing
24 coastal management zone.

25 The agriculture section of the

1 program document was developed through the diligent
2 work of our agriculture subcommittee. This committee
3 was composed of 25 members from the agriculture
4 community including representatives from the Louisiana
5 Department of Agriculture and Forestry, Louisiana Farm
6 Bureau Federation, Louisiana Department of
7 Environmental Quality, Louisiana Cooperative Extension
8 Service, the USDA's NRCS and CFSA's offices, LSU's
9 Department of Biological and Agricultural Engineering
10 Department and various landowner and industry
11 representatives. They have begun reviewing existing
12 work on agriculture BMPs drawn from the diverse
13 committees of the LSU Ag Center and DEQ's statewide
14 Nonpoint Source Management Program, and other sources.
15 There were management measures that the committee was
16 required to review. These are the seven: One, erosion
17 and sediment control; two, confined animal facility
18 (small); three, confined animal facility (large); four,
19 nutrient management; five is pesticide management; six
20 is grazing management and; seven, irrigation
21 management.

22 A forestry subcommittee was
23 composed of 42 representatives from the following
24 agencies and/or industries. Again, the Department of
25 Agriculture and Forestry, Louisiana Forestry

1 Association, Louisiana Cooperative Extension Service,
2 Louisiana Department of Environmental Quality, the LSU
3 and Louisiana Tech Schools of Forestry, Boise Cascade,
4 Willamette Industries, International Paper, Cavenham
5 Forest Industries, Timberland Management Service, Stone
6 Container Corporation, the U.S. Forest Service, and
7 others. These subcommittee members met at least
8 monthly to develop the BMPs, drawing largely from the
9 best management practices given in the Department of
10 Forestry's manual entitled Recommended Forestry Best
11 Management Practices for Louisiana. The ten management
12 measures recommended by NOAA and EPA and reviewed by
13 the forestry subcommittee are as follows: The first
14 was preharvest planning. Second, streamside management
15 areas. Third, road construction and reconstruction.
16 Fourth was road management. Five, timber harvesting;
17 six, site preparation and forest regeneration; seven,
18 fire management; eight, revegetation of disturbed
19 areas; nine, forest chemical management and; ten,
20 wetlands forest.

21 The management measures for urban
22 runoff were developed by the highly diverse urban
23 subcommittee. This subcommittee was composed of
24 representatives from the following groups: Louisiana
25 Department of Environmental Quality, Department of

1 Transportation and Development, Department of Health
2 and Hospitals, Louisiana Cooperative Extension Service,
3 the Lake Pontchartrain Basin Foundation, New Orleans
4 Sewerage and Water Board and several of the parish
5 coastal zone agencies. The BMPs were developed by the
6 subcommittee in coordination with DEQ's statewide urban
7 program. They were required to look at 15 management
8 measures which are: One, new development; two,
9 watershed development; three, site development; four,
10 construction site erosion and sediment control; five,
11 construction site chemical control. Six, existing
12 development; seven, new onsite disposal systems; eight
13 is operating onsite disposal systems; nine, pollution
14 prevention. Ten, management measure for planning,
15 siting and developing of roads and highways. 11,
16 management measure for bridges; 12 is construction
17 projects; 13, construction site chemical control. 14,
18 management measure for operation and maintenance and;
19 15, management measure for road, highway and bridge
20 runoff systems.

21 Also, there are 102 marinas that
22 are located in Louisiana's coastal zone. These vary in
23 size from large municipal operations having 400 to 600
24 boat slips, to small operations having fewer than ten
25 slips. The BMPs developed for marinas and recreational

1 boating were formulated by the marina subcommittee
2 composed of representatives from LSU Sea Grant,
3 Louisiana Department of Wildlife and Fisheries,
4 Louisiana Cooperative Extension Service, U.S. Fish and
5 Wildlife Service, National Marine Fisheries Service,
6 and various marina owners and operators, many of which
7 are associated with the newly-formed Louisiana Marina
8 and Boat Yard Association. The proposed BMPs as
9 requested were distributed to all of our hundred and
10 two marinas for review and comment several months back.
11 The 15 management measures for which the subcommittee
12 developed our BMPs are as follows: One, marina
13 flushing; two, water quality assessment; three is
14 habitat assessment; four, shoreline stabilization;
15 five, stormwater runoff; six, fueling station design;
16 seven is sewage facility; eight, solid waste; nine,
17 fish waste; ten, liquid material; 11, petroleum
18 control; 12 was boat cleaning; 13, public education;
19 14, maintenance of sewerage facilities and; 15, boat
20 operation.

21 Our final section was on
22 hydromodification. The hydromodification section of
23 the program document deals with three subcategories of
24 nonpoint pollution sources that sometimes impact our
25 coastal waters. These are: One, channelization and

1 channel modification; two is dams; and three is
2 streambank and shoreline erosion. Hydromodification
3 subcommittee members included representatives from the
4 following agencies: Louisiana Department of
5 Transportation and Development; Louisiana Department of
6 Environmental Quality; Louisiana Cooperative Extension
7 Service; Louisiana Department of Wildlife and
8 Fisheries, U.S. Army Corps of Engineers, National
9 Marine Fisheries Service, Barataria Terrebonne National
10 Estuary Program, several of the large landowners, and
11 corporations like Louisiana Land and Exploration,
12 Miami, Continental Land and Furr, and also local parish
13 coastal zone personnel. This subcommittee worked to
14 develop BMPs for the following six management measures:
15 One, physical and chemical characteristics of surface
16 waters; two is instream and riparian habitat
17 restoration; three is erosion and sediment control.
18 Four, chemical and pollutant control. Five, protection
19 of surface water quality and instream and riparian
20 habitat; and six, eroding streambanks and shorelines.

21 That concludes our presentation on
22 kind of a summary of what is in the document. I think
23 we are ready to take comments now from you. Thank you.

24 MR. DUCOTE:

25 What we would like to do and what

1 we have done this week at the other meetings -- I have
2 cards from four people that had indicated they would
3 wish to speak tonight. What I would like to do is call
4 them up one by one and if you would wish to give your
5 comments at that time, fine. If you wish not to give
6 your comments for whatever reason, that is fine, also.
7 And, when we are finished with these cards, if someone
8 has come in after and didn't have a chance to get up,
9 and if you have changed your minds, if you want to give
10 comments after the other comments are done, that is
11 fine also.

12 Let's see if we can start with
13 Mr. Neil Armingeon. If you would come up to the podium
14 and let us know who if anybody you represent other than
15 yourself, and we are ready.

16 MR. ARMINGEON:

17 Good evening my name is Neil
18 Armingeon. I am with the Lake Pontchartrain Basin
19 Foundation. The Lake Foundation first would like to
20 thank you for this opportunity to comment on this
21 proposed plan, and we submit these oral comments on the
22 proposed Louisiana Nonpoint Pollution Control Program.

23 On November 5, 1990, Congress
24 enacted the Coastal Zone Act Reauthorization
25 Amendments. In doing so, they addressed what they

1 found to be a major concern affecting water quality in
2 this country: The impact of nonpoint source pollution
3 on coastal waters. In Section 6202 of CZARA, Congress
4 made findings that coastal planning measures were
5 essential to protect water quality, that not enough was
6 being done to manage and protect coastal resources and
7 that state management programs under CZARA must play a
8 larger role in improving coastal zone water quality.

9 In keeping with these findings,
10 Section 6217(b) of the CZARA requires each state
11 coastal nonpoint Pollution Control Program provide for
12 the implementation at a minimum -- at a minimum, of
13 management measures in conformity with the guidance
14 published under CZARA. In order to comply with this
15 requirement and obtain program approval, states must --
16 states must provide for implementation of management
17 measures for each of the nonpoint source categories and
18 subcategories identified in the guidance to protect
19 coastal waters generally and must specify the
20 management measures that will be implemented to address
21 each category or subcategory of the sources identified
22 through the process in section, which are in conformity
23 with the management measures specified in the guidance.
24 A state management measure is in conformity with those
25 specified in the guidance if it is identical to, or is

1 demonstrated to be as effective as, the guidance
2 measures.

3 The Louisiana Coastal Nonpoint
4 Pollution Control Program as proposed by DNR and the
5 DEQ completely fails to meet these requirements.
6 Because of the length and complexity of the state plan,
7 the number of areas where it fails to comply with the
8 minimal federal guidelines and the time limit imposed
9 upon the speakers. We will submit comprehensive
10 comments during the written period and will submit them
11 to you before the end of June. We will however take
12 this time to point out a few examples of noncompliance
13 orally as a precursor to our written comments.

14 The guidance on agricultural
15 sources sets forth minimum management measures for all
16 confined animal facilities, including dairies and beef
17 feedlots. These measures call for, at a minimum, the
18 mandatory implementation of storage facilities and
19 waste utilization systems for wastewater and runoff
20 from all confined animal facilities.

21 This measure constitutes the
22 minimum management measure which can be taken to
23 control the source subcategory of confined animal
24 facilities. The state plan must therefore, at a
25 minimum, identify the subcategory -- identify the

1 subcategory of confined animal facilities within the
2 source category of agriculture, and provide for
3 implementation of management measures identical to or
4 demonstrated to be as effective as the measure
5 specified.

6 Nowhere in the state plan are
7 confined animal facilities identified as a subcategory
8 of agricultural source as required by section 6217(g).
9 Further, and more problematic, the state plan fails to
10 set forth any required management measure dealing with
11 the subcategory, part of it again in violation of 6217
12 (g). Instead the state plan simply alludes to measures
13 being taken through other programs in connection with
14 dairy farms and beef feedlots.

15 With regard to dairies, the state
16 plan reports that since 1989, there has been a vigorous
17 voluntary dairy BMP implementation program...involving
18 multiple organizations, my organization being one of
19 these. The effort has resulted in the installment of
20 no-discharge lagoons to handle dairy wastes, and
21 quoting: DEQ has been working in close cooperation
22 with many agencies to get dairy wastewater treatment
23 lagoons in place in the largest dairy parish of
24 Louisiana, which is Tangipahoa. The BMPs being
25 installed match up well with the confined animal

1 wastewater guidelines in the 6217(g) guidance manual.
2 The LDEQ/Nonpoint Source Program is a nonregulatory
3 program and does not rely on enforceable policies.

4 This finding, while it is in
5 encouraging is patently insufficient to meet the
6 guidelines set forth in the regulation.

7 With regard to the beeflots,
8 although the state plan states that, "beef cattle
9 raised all over Louisiana in small cow/half herds and
10 in Southwest Louisiana in lower density open range
11 conditions, it specifies no management measures
12 whatsoever dealing with beef feedlots. Finally, as to
13 stables, layers, turkeys and swine operations, there is
14 no mention of these.

15 This is the extent of the state
16 plan's implementation of the minimum management measure
17 for confined animal facilities specified by the EPA;
18 therefore, in our opinion, it is blatantly
19 insufficient. There is no identification of the
20 specific subcategories as required and there is no
21 mandatory management measurements specified.

22 Chapter 3 of the federal guidance,
23 sections II.A through 11.J sets forth the required
24 minimum management measures which must be implemented
25 in the area of forestry. There are numerous measures

1 specified, ranging from preharvest planning, which you
2 mentioned, to streamside management, to wetlands
3 forests. All told, there are ten required minimum
4 management measures and within these ten, there are
5 many more subsections specific individual elements of
6 the measures. All are mandatory -- I stress, all are
7 mandatory, and must be implemented by the state plan.

8 The state plan as it is now written
9 fails to provide for mandatory implementation of any of
10 these federal guidance forestry measures. Instead, it
11 merely cites to the Louisiana recommended forestry best
12 management practices you mentioned developed by the
13 Louisiana Forestry Association, precisely the type of
14 industrial organization that CZARA intends the states
15 to regulate. The state plan's forestry management
16 measures are therefore only recommended and not
17 mandatory as required by 6217. Furthermore, standards
18 of compliance with the recommended measures are left in
19 hands of the Louisiana Forestry Association itself, who
20 are to determine if it is quote "possible" and/or quote
21 "feasible" to implement the measures or if it quote
22 "should" implement the measures in a given situation.
23 The state plan again thus fails to manage the forest
24 industry and instead allows the industry to manage
25 itself.

1 This, again, is completely
2 insufficient to comply with the requirements of 6217.
3 In order to gain program approval from the EPA, the
4 state plan must promulgate mandatory management
5 measures which at a minimum are identical to the
6 guidelines provided. Anything less than this, in our
7 opinion, constitutes noncompliance.

8 We will submit written comments.

9 Finally as far -- other people were
10 planning to come here tonight -- and I am speaking on
11 their behalf -- citizens in Tangipahoa and St. Tammany
12 Parish who asked me when I asked them to come tonight
13 and talk on this issue asked, is there anything in the
14 plan that will address the terrible destruction that is
15 occurring in the Florida parishes involving the
16 forestry industry? And I had to answer to them
17 honestly, no, there is not. Let me tell you gentlemen,
18 that I can take you to forestry operations in the
19 coastal zone in the Pontchartrain Basin that is
20 allowing clear cutting along the banks of the north
21 shore rivers and bayous, that is allowing mechanized
22 machinery within water bodies. One of the industries
23 that you mentioned this that was part of this plan --
24 Cavenham, as we spoke, is now negotiating with the town
25 of Abita and are fined for violating their forest

1 ordinances. Forestry in the Pontchartrain Basin is
2 causing severe water quality and habitat damage.

3 What I ask you, is this plan going to
4 give the citizens of the Pontchartrain Basin any legal
5 means to control this? Because I can assure you, it
6 has reached a proportion where parishes are now seeking
7 means to regulate it themselves. I would ask that this
8 program follow the federal guidelines and seek to
9 regulate these industries which Congress has recognized
10 as polluting the coastal waters of not only this state,
11 in every state, every coastal state in this country.

12 Again, I thank you for this opportunity
13 and we will submit written comments.

14 MR. DUCOTE:

15 Thank you very much.

16 Mr. Armingeon. Mr. Huber.

17 MR. HUBER:

18 My name is Eric Huber. I am a
19 lawyer with the Sierra Defense Fund in New Orleans and
20 I am here with Allison Pensy (phonetic), who is an with
21 intern us. As Mr. Armingeon, I appreciate the
22 opportunity to speak here today. I also have copies of
23 preliminary written comments that I would like to hand
24 out. It is also an initial review and maybe a little
25 bit different from people making public comments here

1 in that we focused primarily on the enforcibility
2 aspect of this and what the I guess -- I'm not entirely
3 sure who prepared the draft statute that would be
4 enforced, but there are several deficiencies in that or
5 several suggestive revisions that I would like to bring
6 to your attention.

7 When you went the route of a
8 nonregulatory program -- When the state went the route
9 of a nonregulatory program, it was on the condition
10 that the standards and limits that were going to be put
11 into the plans would be enforceible, and that was the
12 purpose of the state statute was to go with the
13 enforcibility. In that, the way it is structured, DNR
14 is rendered not completely powerless but the teeth are
15 taken out of its enforcement capabilities. They are
16 put in later at the hands of the attorney general but
17 that would probably too late for a practical matter for
18 what goes on. What you have in there, DNR has no
19 ability on its own, as I read that statute, to put in
20 fines and take injunctive action in an administrative
21 setting. Plus it must wait even before it can give an
22 order that someone must take corrective measures, there
23 must first be a hearing.

24 Now, that sounds great in theory.
25 What is going to happen is I don't know what the

1 condition of the administrative hearing court is right
2 now or the ALJ's docket load is but, if everybody is
3 going to have to have a hearing, we are not going to
4 have very many enforcement actions. So it ought to be
5 people get an opportunity for a hearing and that the
6 public has an opportunity to intervene in that hearing.
7 But no hearing as a matter of right, as a matter of
8 course. What we would like to see is to see DNR given
9 more power to take in the first instance and take
10 action quickly and also come up with penalties and
11 injunctions on its own. This could be appealed later
12 to District Court. In other words, use the model of
13 the existing water quality enforcement-type mechanism.
14 I am not quite sure where this deviation came from
15 because that model has proven to be working and is well
16 known to everyone, so we might just want to track that.
17 One other thing in the section of penalties,
18 injunctions and other legal actions, there is a ten
19 thousand dollar maximum fine provision which sounds
20 pretty hefty, but there is one detail let out of that
21 which is ten thousand dollars per what? If this has
22 been going on for a year or 18 months, is \$10,000
23 really a very sufficient penalty or is that per day?
24 What I would suggest be considered here is to remove
25 the penalty ceiling entirely and instead put in just

1 that economic benefit of the violator and ability to
2 pay be expressed, considerations to be taken into
3 account in fixing the fine, so that would make sure
4 that nobody was given too onerous a fine but at the
5 same time, if we have some real by bad actors that have
6 been at this for a very long time and are profiting
7 from this, we can take that profit away from them.

8 Now, the last thing I have on my
9 outlines, I have them under comments, but they are
10 really more in the nature of questions I guess just
11 from reading the report here. I have under the B
12 there: Proposed deviation from NOAA standards on size
13 of the zone. I think the idea of the larger zone is
14 certainly to get more into the water approach, which is
15 very in vogue, and there is certainly sound ecological
16 basis behind that; but it may also be beneficial to the
17 downstream users to have the upstream users in there.
18 Because, if we are going to be looking at achievement
19 of water quality standards, for example, turbidity
20 standards and the like, and we are going to have
21 enforceable standards against the people downstream
22 where they are going to have to pay for the pollution
23 of the upstream, we are going to need standards. If we
24 can't enforce against upstream and can't go against the
25 downstream, then we will enforce against downstream.

1 and their standards will be that much more stringent
2 with or including everybody or the more the merrier, if
3 you will, it distributes the burden for meeting those
4 standards.

5 The last thing I have, and the
6 previous speaker noticed this as well, the forestry
7 exemption, this was not in the report, and you
8 mentioned that in your opening comments, so we would
9 like to reserve a comment on that until we can really
10 analyze it, but it raises also the issue of when you
11 were describing the members of the forestry committee
12 as with all the other committees, there was no public
13 interest share, if you will, and it's troubling that we
14 have the fox watching the henhouse in that who came up
15 with the forestry standards and, oddly enough, forestry
16 exemption are International Paper and Georgia Pacific
17 and the like. So, we look forward to seeing that part
18 of the report and given the opportunity to comment on
19 that.

20 The last two comments I have is
21 that there didn't seem to be a sufficient provision for
22 construction activities in the plans, that being
23 limited to urban construction or at least it's under
24 the heading of urban activities, so when you deal with
25 construction in the plans, it shouldn't be limited to

1 urban construction and that may not have been
2 intentional, but it's a little puzzling, if not
3 troubling the way it's currently set up.

4 Lastly, that as far as
5 hydromodification is concerned, the exemption for that
6 seems to be fairly benign when we are just looking at a
7 few dams that are in there or small aren't
8 particularly problematic by this description, but
9 perhaps we would be better served just exempting those
10 and not creating a blanket exception for future dams.

11 With that, I think I have used up
12 my time, and I appreciate the opportunity to speak to
13 you.

14 MR. DUCOTE:

15 Thank you very much, Mr. Huber.
16 Mr. Jeff Hughes.

17 MR. HUGHES:

18 I am Jeff Hughes from Bogalusa,
19 Louisiana. I am a consultant forester. I represent
20 the cattle, the forestry industries and I am also here
21 tonight as a representative of the Louisiana Forestry
22 Association.

23 MR. PITTMAN:

24 Could you step up to the microphone
25 so we can get that on tape?

1 MR. HUGHES:

2 I am representing the Louisiana
3 Forestry Association. I think that the Forestry
4 Association has submitted documents and comments to you
5 at each of the three prior meetings. My comments
6 follow on track very closely to those, so it would
7 probably be redundant for me to repeat them tonight,
8 but I do wish to give you a copy. I wish to tell you
9 that we have been very happy working with the people in
10 your organization on this plan. I think they have all
11 been dedicated and sincere trying to produce a good
12 plan and we hope to continue to work with you along
13 those lines, and I thank you.

14 MR. DUCOTE:

15 Thank you very much, Mr. Hughes.
16 Appreciate it. Dr. Barry Kohl.

17 DR. KOHL:

18 Thank you for the opportunity to
19 speak to you this evening. My name is Barry Kohl and I
20 am here representing the New Orleans group of the
21 Sierra Club. I waded through the two documents I
22 should say with great interest, mainly, the omissions
23 sort of stood out to me. One thing that I found quite
24 interesting was the restriction of the area that is
25 going to be -- that is considered in the document, Just

1 the coastal zone. And all of us in the environmental
2 community know that the pollutants don't originate in
3 the coastal zone. Some of them do, most of them occur
4 upriver. The rivers don't just stop in the middle of
5 the state, the waters come down the Ouachita. They
6 come down the Red, the Mississippi, and other
7 tributaries, and finally into the coastal zone into the
8 estuaries, all contributing fairly large burdens of
9 silt, pesticides, fungicides, heavy metals from the
10 various commercial activities upstream.

11 I would recommend that you expand
12 the area to include the sources of pollution within the
13 state -- waterborne pollution from nonpoint sources,
14 especially agriculture and forestry areas where there
15 is forest products industries, also the agri business
16 industry. There are major problems in the state with
17 dioxins, also heavy metals like mercury which are being
18 found statewide by DEQ. There are very large burdens
19 of mercury in the west Pearl River and the rivers
20 flowing into the Lake Pontchartrain Basin. The
21 Ouachita River is closed to fishing in some portions
22 due to mercury contamination and the sources still to
23 be determined. The sources are suspected to be from
24 the agricultural industry in some areas and possibly
25 the forest products industry in other areas, but they

1 are nonpoint sources. For instance, in 1969, over
2 9,950 of mercury were applied as fungicides growing in
3 areas in Louisiana.

4 Now, as many of you know, this was
5 in the coastal zone. Mercury is persistent and stays
6 around. It's converted to the form which is absorbed
7 by the environment, by the biota, by fish. The
8 Department of Environmental Quality is finding high
9 levels of mercury in all areas of the state in edible
10 fish. Well over the levels accepted by the federal
11 Food and Drug Administration. One of the problems is
12 they don't have money to do a collection of the data,
13 to determine where the fish are polluted and what the
14 cause is and herein lies a problem for you if you are
15 trying to clean up nonpoint sources of pollution. Who
16 is going to do the monitoring? Who is going to do the
17 data collecting? Where is the money coming from? Is
18 the monitoring done by several agencies going to be
19 uniform enough to be used in one data base so that you
20 can track these problems statewide. Not only in the
21 coastal zone but statewide. I have spoken to people
22 with DEQ and they do not have money to do monitoring.
23 They are on a very small budget. They can't monitor
24 for our dioxide. They are monitoring for our dioxide
25 now because it's cheap. It's cheap to do each

1 individual test but dioxin is very high; it costs a lot
2 of money. It also causes cancer, it also causes
3 problems in human health as does mercury.

4 So I would say in your section of
5 the monitoring, it should be expanded. You should
6 determine which agencies are going to do monitoring of
7 what kinds of pollutants, be sure those agencies have
8 the funding to do the monitoring, and that those data
9 are provided to all state and federal agencies for
10 evaluation, and that you can put it all in one common
11 data base so that it can be utilized by all agencies.
12 If you don't do that, you are not going to cure the
13 problem.

14 I find the voluntary compliance
15 aspect very, very humorous. We can't ever get state
16 agencies to enforce the law. How are we going to get
17 industries that pollute to voluntarily comply to a
18 standard that they may in fact set for themselves as
19 the forest industry has and the agricultural industry,
20 agri business. They govern themselves. They regulate
21 themselves, they exempt themselves from most of the
22 laws. If you look at the agricultural exemptions,
23 almost every law exempts agricultural use, agricultural
24 involvement. The Natural and Scenic River System and
25 the laws which protect it are a farce. To say that the

1 state is going to protect all the natural and scenic
2 systems in the state from pollution and clear cutting,
3 it won't happen. They are not enforcing it, they don't
4 have the manpower. Wildlife and Fisheries does not
5 have the manpower to regulate using that law, and a
6 small amount of pressure from the industry, and they
7 back down, as most agencies of the state do. As you
8 well know, the political climate in Louisiana is
9 different than other states, and politics dictates what
10 is done in Louisiana. And the forest industry and the
11 agricultural industry have a lot of clout. Any of you
12 who have sat through any of the legislative sessions
13 can attest to that.

14 So I think as long as regulations
15 are not enforced, if data gathering is not uniform and
16 money is not provided to the agencies that are going to
17 be doing enforcement and data gathering, if voluntary
18 compliance is still a major component of the plan, if
19 you restrict area to just the coastal zone and you do
20 not include the rest of the state, which is an area
21 which is contributing to the pollution, the nonpoint
22 source pollution in the coastal zone, then the whole
23 program is going to be a failure. You also need to
24 look at the cumulative effect of pesticides, herbicides
25 on the environment. Not only the source coming from

1 Just agriculture but what happens when there is a mix.
2 And I think, if you get some of the Department of
3 Agriculture's documents on pollution of fish and fish
4 kills and determine what the sources of those
5 pesticides are, you will find that most of them are
6 from agriculture or mixture from agriculture and forest
7 industry. The wood products industry treats raw logs
8 and timber with mercurial pesticides, and other very,
9 very toxic chemicals. A lot of the lumber yards and
10 areas where these are treated are unregulated. When it
11 rains, where they immerse these in these baths of
12 chemicals, if it overflows if it happens to be in a
13 wetland area or a flood plain, then it all gets into
14 the system.

15 That is general statements. The
16 Sierra Club will have some written statements which
17 they will include within the 30-day period, and we will
18 include some figures and areas, a little bit more
19 detail of where our concerns are. I generally outlined
20 what I could see as problems with the document and we
21 will be sending you additional information at a later
22 date. Thank you very much.

23 MR. DUCOTE:

24 Thank you very much, Dr. Kohl.
25 That concludes the cards that I have. We would now

1 open the floor to anyone who would like to come up and
2 make comments. I just request that you clearly state
3 your name and who you might represent and give us an
4 address, and we would like to hear from you. If there
5 are no additional comments, again, please we do request
6 and we would encourage you to send those written
7 comments to us. I don't have any cards with me. I am
8 sure that Phil and/or Ed Britton, Mr. Ed Britton to my
9 left would have cards, and the address is in the public
10 notice. Please do send us comments, too. Thank you
11 very much. I appreciate your coming tonight. When you
12 send your comments, make sure you send any supporting
13 data or whatever with your comments. Send it in.

14
15 -0-

16 C E R T I F I C A T E

17 I, SYLVIA C. PASTRANO, a Certified
18 Court Reporter for the State of Louisiana, do
19 hereby certify that the foregoing transcript is
20 true and correct, as reported by me and reduced to
21 Typewriting under my personal supervision.

22
23 

24 SYLVIA C. PASTRANO
25

SECTION G

WRITTEN TESTIMONY RECEIVED AT PUBLIC MEETINGS

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

6/15/95
 COMMENTS
 OF NEIL A. ARMINGEDON
 LPBF

ORAL COMMENTS TO
 LOUISIANA'S PROPOSED
 COASTAL NONPOINT POLLUTION CONTROL PROGRAM

The Lake Ponchartrain Basin Foundation, submit these oral comments on the proposed Louisiana Coastal Nonpoint Pollution Control Program.

On November 5, 1990, Congress enacted the Coastal Zone Act reauthorization Amendments, "CZARA." In doing so, they addressed what they found to be a major concern affecting water quality: the impact of nonpoint source pollution on coastal waters. In section 6202 of CZARA, Congress made findings that coastal planning measures were essential to protect water quality, that not enough was being done to manage and protect coastal resources, and that state management programs under CZARA must play a larger role in improving coastal zone water quality.

In keeping with these findings, Section 6217(b) of the CZARA requires that state coastal nonpoint pollution control program provide for the implementation, at a minimum, of management measures in conformity with the guidance published under CZARA. In order to comply with this requirement and obtain program approval, states must provide for the implementation of management measures for each of the nonpoint source categories and subcategories identified in the guidance to protect coastal waters generally, and must specify the management measures that will be implemented to address each category or subcategory of sources identified through the process in section which are in conformity with the management measures specified in the guidance. A state management measure is "in conformity with" those specified in the guidance if it is identical to, or is demonstrated to be as effective as, the guidance measures.

The Louisiana Coastal Nonpoint Pollution Control Program, as proposed by DNR and DEQ, completely fails to meet these requirements. Because of the length and complexity of the state plan, the number of areas where it fails to comply with the minimum federal guidelines, and the time limits imposed on speakers at public hearings, comprehensive comments on the program as a whole are impossible to state in their entirety. The Foundation will therefore provide comprehensive written comments to DNR before the end of June. We can, however, take this time to point to a few examples of noncompliance orally as a precursor to our written comments.

The guidance on agricultural sources sets forth minimum management measures for all confined animal facilities (including dairies and beef feedlots). These measures call for, at a minimum, the mandatory implementation of storage facilities and waste utilization systems for wastewater and runoff from all confined animal facilities.

This measure constitutes the minimum management measure which can be taken to control the source subcategory of confined animal facilities. The state plan must therefore, at a minimum, identify the subcategory of confined animal facilities within the source category of agriculture, and provide for the implementation of management measures identical to, or demonstrated to be as effective as the measures specified.

Nowhere in the state plan are confined animal facilities identified as a subcategory of agricultural source as required by section 6217(g). Further, and more problematic, the state's

plan fails to set forth any required management measure dealing with this subcategory, again in violation of 6217(g). Instead, the state plan merely alludes to measures being taken through other programs in connection with dairy farms, and beef feedlots.

With regard to dairies, the state plan reports that, "since 1989, there has been a vigorous, voluntary dairy BMP implementation program . . . involving multiple agencies and organizations. The effort has resulted in the installation of no-discharge lagoons to handle dairy wastes"; and:

DEQ has been working in close cooperation with many . . . agencies to get dairy wastewater treatment lagoons in place in the largest dairy parish in Louisiana, Tagipahoa. The BMPs that are being installed there match up well with the Confined Animal wastewater guidelines in the 6217(g) guidance manual . . . The LDEQ/NPS Program is a nonregulatory program and does not rely on enforceable policies.

This finding, while seemingly encouraging, is patently insufficient to meet the federal guidelines.

With regard to beef feedlots, although the state plan states that, "beef cattle are raised all over Louisiana in small cow/calf herds, and in Southwest Louisiana in lower density open range conditions," it specifies no management measure whatsoever with dealing with beef feedlots. Finally, as to stables, layers, turkeys and swine, the state plan is completely silent.

This is the extent of the state plan's implementation of the minimum management measure for confined animal facilities specified by the EPA. It is blatantly insufficient. There is no identification of the specific subcategory as required, and there are no mandatory management measures specified.

Chapter 3 of the federal guidance, sections II.A. through II.J. sets forth the required minimum management measures which must be implemented in the area of forestry. There are numerous measures specified, ranging from preharvest planning, to streamside management, to wetlands forests. All told, there are 10 required minimum management measures, and within these ten, there are many more subsections specifying individual elements of the measures. All are mandatory, and must be implemented by the state plan.

The state plan, however, fails to provide for mandatory implementation of any of the federal guidance forestry measures. Instead, it merely cites to the Louisiana Recommended Forestry Best Management Practices, developed by the Louisiana Forestry Association, precisely the type of industrial organization that CZARA intends the states to regulate. The state plan's forestry management measures are therefore only recommended, and not mandatory, as required by 6217(b). Further, standards of compliance with the recommended measures are left in the hands of the LFA itself, who are to determine if it is "possible," or "feasible" to implement the measures, or if it "should" implement the measures in a given situation. The state plan thus fails to manage the forestry industry, and instead allows the industry to manage itself.

This, again, is completely insufficient to comply with the requirements of 6217(b). In order to gain program approval from the EPA, the state plan must promulgate mandatory management measures which, at a minimum, are identical to the federal guidelines. Anything less constitutes noncompliance.

The Foundation's written comments will address these areas of concern, and others in great detail. This oral commentary is meant only to preface written comments which will follow.

June 12, 1995

To Whom It May Concern:

In December, 1994, the combined Interagency/LFA(Louisiana Forestry Association) committee for CZARA's(Coastal Zone Act Reauthorization Amendments - 1990) Forestry category recommended that Louisiana seek an exclusion for the CZARA category of FORESTRY, according to the published CZARA guidance. From a historical perspective, this group set out to discover exactly how forestry and silviculture fit into the Louisiana CZARA plan. Through diligent exploration and work, the group found that Forestry is present but not reasonably expected to individually or cumulatively present significant adverse effects to living coastal resources or human health. This position was supported by all three of the state agencies involved; DNR, DEQ, and the Department of Agriculture and Forestry. Further, the request to exclude Forestry was presented to the federal regulatory agencies at the February 22, 1995 Louisiana CZARA Threshold Meeting.

Following that presentation, a NOAA official told the group that they would have a written response back to the group in 90 days and even sooner if the exclusion issue for Forestry was not acceptable. The federal regulatory agencies still have not provided their response.

Because of the strength of data supporting the request, the Louisiana Forestry Association recommends the following changes be made to the CZARA draft document:

1. As the major topic under Forestry, submit the original request for excluding the Forestry Category. Also, additional supporting data should be expanded, groomed, and included in the final report.
2. When discussing Forestry within the body of the report, delete all other text and material not specifically supporting Forestry's exclusion from the Louisiana CZARA plan.

Using preliminary comparisons between Louisiana's Forestry BMP's and the CZARA Management Measures gives the appearance of weakening our support for excluding the Forestry Category. Also, the mention of future changes in La's BMP's is tentative and therefore should be avoided because no changes have been finalized or approved (as required) by any ~~stockholders~~, state, or federal agencies.

Dhyer
STAKEHOLDERS

The Louisiana Forestry Association appreciates the opportunity to have participated with your agency on this project. It is always a pleasure to

work with the kind of sincere, dedicated, professionals each of you has been throughout this CZARA project. We look forward to continuing our work together on these and future efforts.

To: Louisiana Department of Natural Resources
Coastal Management Division - Hearing Wednesday, June 14, 1995
Thibodaux, LA - Relative to draft plan for coastal nonpoint pollution control program -
Nichols State University, Student Union Building, Plantation Room - 6:00 PM to 10:00 PM

From: John L. Sullivan, District Manager, Bennett & Peters, Inc. and member of the
CZARA Subcommittee of the Louisiana Forestry Association.

I appreciate the opportunity that this hearing provides to make the following comments concerning the draft plan document for the coastal nonpoint pollution control program.

In December of 1994, I was involved in a combined Interagency/LFA committee for CZARA's Forestry category meeting that voted to recommend that Louisiana seek an EXCLUSION for the CZARA category for FORESTRY. The position was supported by all three of the state agencies involved: DNR, DEQ, and the Department of Agriculture and Forestry. This position was taken based on forestry activities having a very small contribution to nonpoint pollution and is currently on the decrease with the current emphasis placed on Louisiana's VOLUNTARY FORESTRY BEST MANAGEMENT PRACTICES. The data supporting this position was presented to the federal regulatory agencies on February 22, 1995, at the Louisiana CZARA Threshold Meeting. The agencies indicated to those present that they would have a written response back to the group in ninety days, and even sooner if the exclusion for Forestry was not acceptable. The federal regulatory agencies still have not provided their response.

Because of the supporting data and current programs in place, the Louisiana Forestry Association recommends the following changes be made to the CZARA draft document:

1. As the major topic under Forestry, submit the original request for excluding the Forestry Category. Also, additional supporting data should be expanded, groomed, and included in the final report.
2. When discussing Forestry within the body of the report delete all other text and material not specifically supporting Forestry's exclusion from the Louisiana CZARA plan.

We are concerned that the comparisons between the Louisiana's Forestry BMP's and the CZARA Management Measures may appear to weaken our support for excluding Louisiana's Forestry Category. We are also concerned that the mention of prospective changes in Louisiana's BMP's will be misconstrued by the federal regulatory agencies since no changes have been finalized or approved at this time.

I would again like to express my appreciation, along with that of the Louisiana Forestry Association for the opportunity to work with your agency on the category of Forestry under CZARA. We will look forward to a continued excellent working relationship. Thank you.

ROY O. MARTIN LUMBER COMPANY, INC.

To: HEARING, June 13, 1995
DRAFT PLAN for COASTAL NONPOINT POLLUTION CONTROL PROGRAM
(CZARA PLAN FOR LOUISIANA)

from: W. F. Wieger
Forest Manager, ROY O. MARTIN LUMBER CO., and Committeeman on
the CZARA Subcommittee of the Louisiana Forestry
Association

We concur emphatically with the position of the Louisiana Forestry Association, that EPA and NOAA should grant unconditional approval for exclusion of forestry as a section of the plan.

EPA/NOAA Coastal Program Guidance is clear that states may exclude categories, subcategories, and individual non-point sources from the 6217 program; when they are present, but not reasonably expected to individually or cumulatively present significant adverse effects to living coastal resources or human health. For sometime, the forestry interests in Louisiana have been providing assistance to the state agencies in the preparation of the forestry category of the CZARA plan.

Forestry activities are a very small contributor to non-point pollution, as has been documented at a 5% level, and the impact is lessening as Forestry Best Management Practices are applied with greater emphasis; as a function of the Clean Water Act (CWA). Thus, an exclusion for forestry should be implemented.

Operation of two non-point source programs (CZARA and CWA), both of which oversee forestry activities, would be an unnecessary duplication of federal/state programs that will be costly and an inefficient use of limited resources. Such duplication will also be viewed as a disincentive and slap in the face of landowners, loggers, and foresters; rather than recognition for a job well done under CWA.

Forestry interests have voiced continuous support for CWA nonpoint source programs, and we sense that forestry regulation within CZARA is a misguided attempt to spend good money trying to fix something that is not broken. Resultant confusion among landowners where 2 different Federal programs would be in effect, will be difficult to overcome and unnecessary.

The exclusion for forestry has been supported by all three of the state agencies involved; DWR, DEQ, and Agriculture & Forestry; and the recommendation was presented to the Federal regulatory agencies at the February 22, 1995, Louisiana CZARA "Threshold Meeting." Advice from a NOAA official was that a written response would be forthcoming within 90 days, if an exclusion for forestry was not acceptable.

Since no response has been provided, the conclusion ought to be that a forestry exclusion is acceptable, and therefore should not be contained in this draft plan.

Because of the strength of data supporting the request, the Louisiana Forestry Association recommends the following changes be made to the CZARA draft document:

1. As the major topic under Forestry, submit the original request for excluding the Forestry Category. Also, additional supporting data should be expanded, groomed, and included in the final report.
2. When discussing Forestry within the body of the report, delete all other text and material not specifically supporting Forestry's exclusion from the Louisiana CZARA plan.

Using preliminary comparisons between Louisiana's Forestry BMP's and the CZARA Management Measures gives the appearance of weakening our support for excluding the Forestry Category. Also, the mention of future changes in La's BMP's is tentative and therefore should be avoided because no changes have been finalized or approved (as required) by any stakeholders, state, or federal agencies.

* * *

Thank you for the opportunity to present input to the development of the Coastal Program.

* * *



Sunrise, Mt. McKinley

Ansel Adams

SIERRA CLUB LEGAL DEFENSE FUND, INC.

The Law Firm for the Environmental Movement

400 Magazine Street, Suite 401 New Orleans, LA 70130 (504) 522-1394 FAX (504) 566-7242

M E M O R A N D U M

Ref: 074

TO: Louisiana DNR/DEQ
FROM: Eric E. Huber
DATE: June 14, 1995
RE: Comments on Draft Coastal Nonpoint Control Program

I. SUGGESTED REVISIONS TO THE PROPOSED STATE STATUTE

A. Issuance of Corrective Orders (214.74(D))

1. Add DNR power to issue cease and desist orders, not just at times of emergency, and do not limit DNR power to requiring "corrective measures."
2. Do not limit orders to issuance only after hearing; that may create a backlog and unduly delay enforcement; but protect due process with the opportunity for a hearing before the order.
3. Do not automatically suspend orders pending appeal.
4. Add DNR power to impose penalties administratively.
5. Remove exemptions for those "actively applying" plans. This should be a factor in DNR's orders, but not a complete bar to enforcement.
6. Add provision for citizen intervention in actions and public notice and comment on orders.



B. Penalties, Injunctions and Other Legal Actions

1. Remove penalty ceiling or clarify maximum fine provision -- e.g. is it per incident or per day?
2. Add economic benefit and ability to pay factors to penalty provisions.
3. Add citizen suit or private attorney general provision to supplement enforcement. (With penalties payable to Water Quality Fund).
4. Do not limit injunctions and penalties to actions by the attorney general; DNR should be able to do this administratively.

II. COMMENTS ON THE PLAN GENERALLY

A. Advantages of a Regulatory Program

1. Enables permitting, self-reporting and incentives for following plans.

B. Proposed Deviation from NOAA Standards on Size of Zone

1. State's area is arbitrary and discounts watershed approach. Also may require downstream users to have more controls to make up for upstream discharges.

C. The Proposed Exemptions Should Be Denied

1. Hydromodification -- For harms to coastal zone see CWA Section 319 Report.
2. Forestry -- For harms see Section 319 Report.
3. There should be provision for construction activities in plans.

June 15, 1995

Louisiana Department Of Natural Resources
Coastal Management Division
Baton Rouge La. 70804

Dear Sir,

This is in answer to your request for comments on the Draft CNPCP Plan.

In December, 1994, the combined interagency/LFA (Louisiana Forestry Association) committee for the Forestry category of the CNPCP plan recommended that Louisiana seek an exclusion for the ZCARA category of forestry. according to the published CZARA guidance. From a historical perspective, this group set out to discover exactly how forestry and silviculture fit into the Louisiana plan. Through diligent exploration and work, the group found that Forestry is present, but not reasonably expected to individually or cumulatively present significant adverse effects to living coastal resources or human health. This position was supported by all three of the state agencies involved, DNR, DEQ, and the Department of Agriculture and Forestry. Further, the request to exclude Forestry was presented to the federal regulatory agencies at the February 22, 1995 CZARA Threshold Meeting.

Following that presentation, a NOAA official told the group that they would have a written response to the group in 90 days, and even sooner if the exclusion for Forestry was not acceptable. The federal agencies have not provided their response.

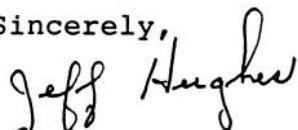
Because of the strength of data supporting the request, the Louisiana Forestry Association insists that the following changes be made to the CNPCP plan:

1. As the major topic under forestry, submit the original request for excluding the Forestry Category. Also, additional supporting data should be expanded, groomed, and included in the final report.
2. When discussing Forestry within the body of the Plan, delete all other text and material not specifically supporting forestry's exclusion from the plan.

Using preliminary comparisons between Forestry BMP'S and the CZARA Management Measures gives the appearance of weakening our support for excluding the Forestry Category. Also, the mention of future changes in La.'s BMP's is tentative and therefore should be avoided because no changes have been finalized (as required) by any stakeholders, state, or federal agencies.

The Louisiana Forestry Association Appreciates the opportunity to have participated with your agency on this project. It is always a pleasure to work with the kind of sincere, dedicated, and professionals each of you has been throughout this CZARA project. We look forward to continuing our work together on these and future efforts.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Hughes". The signature is written in black ink and is positioned above the typed name and address.

Jeff Hughes , representing
The Louisiana Forestry Association
P. O. Drawer 5067
Alexandria, La. 71307

SECTION H

WRITTEN COMMENTS RECEIVED AFTER PUBLIC MEETINGS

LOUISIANA

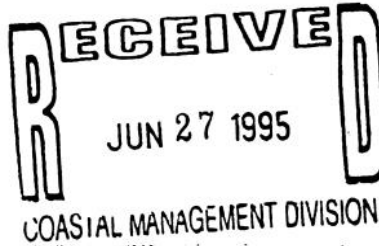
COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995



June 20, 1995

Dear Sirs:

We strongly oppose the submission of a state plan to E.P.A. and N.O.A. regarding Coastal Non-point Pollution Control Program in compliance of the Coastal Zone Re-authorization Act of 1990.

Very little public input was obtained by D.N.R. due to poor notification and to the lack of available drafts for public scrutiny prior to these meetings. Although various committees were created, the vast majority of these committees were made of state and federal agency employees. As an example; in Calcasieu parish, with a population of 180,000, only 2 private citizens attended the public notification meeting.

If a plan must be submitted, we recommend the following:

1. The state plan be delayed until more public input can be obtained
2. The state plan be delayed until final congressional action be taken on the Clean Water Act that is currently being debated. Final action on this Act would address the C.Z. Act.
3. That agriculture be exempted until such time as:
 - a. Best Management Practices can be established by the L.S.U. Agricultural Center, La. Dept. of Ag & Forestry, and Natural Resources Conservation Service.
 - b. Base indicators can be developed to evaluate needs and action necessary if any.
 - c. Waterways are identified as impaired by non-point source pollution and site specific plans can be developed to address those sites.
4. Retain the present boundaries of the Coastal Zones.
5. That voluntary compliance be the mechanism of compliance by agriculture producers.
6. That a water quality based approach to address specifically identified impaired areas within the Coastal Zone be used rather than technology based.
7. That all reference to the minimum back up enforcement recommended -- the "Bad Actor" law, or other enforcement measures be eliminated completely.

We feel that more can be accomplished through education, voluntary action, and intrinsic motivation of the public than mandated action.

Sincerely,

A. C. PARNELL, PRESIDENT
CALCASIEU PARISH CATTLEMEN ASSOCIATION
P. O. BOX 1414
LAKE CHARLES, LA 70602

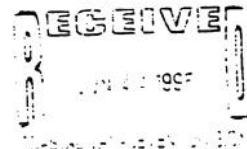


Voice of Louisiana
Agriculture

Louisiana Farm Bureau Federation, Inc.

P. O. BOX 95004 • 9516 AIRLINE HIGHWAY
BATON ROUGE, LA. 70895-9004 • PH. 504-922-6200

June 21, 1995



Mr. Greg Ducote, CNPCP Coordinator
DNR, Coastal Management Division
P. O. Box 44487
Baton Rouge, Louisiana 70804-4487

Dear Mr. Ducote:

The Louisiana Farm Bureau Federation (LFBF) understands the time restraints imposed by EPA and NOAA under the mandate of the CZARA for Louisiana to submit a Coastal Nonpoint Pollution Control Program. However, we are concerned with the document that will be submitted for EPA/NOAA review.

As we understand the proposed plan to control coastal nonpoint pollution in Louisiana, the program may include provisions calling for the mandatory implementation of management measures for agriculture in an undetermined coastal region.

EPA and NOAA are not completely supportive of maintaining the existing coastal zone boundary for the new Coastal Nonpoint Pollution Control Program (CNPCP) in Louisiana. Boundary expansion is still an issue, particularly in the Mermentau River Basin and the Tangipahoa River Basin. At the Threshold Review (February 22, 1995), NOAA expressed concerns about water quality impairments associated with agricultural activities in these two basins. Also, there have not been specific practices developed and listed that match the CZARA management measures for agriculture. The LSU Ag Center is conducting a review of potentially effective Best Management Practices (BMP's), but this process is not complete. The matching of specific BMP's to mandatory CZARA management measures will be required for final CNPCP plan development, and this process will take time and effort. The development, review and voluntary implementation of effective, economically achievable BMP's must include detailed input from all affected commodity producers. Principal agricultural commodities produced in the "coastal region" include sugar cane, rice, soybeans, beef cattle, dairy, and fruit and vegetables.

The submission of CNPCP by July, 1995, without resolution of the geographic scope of the affected program area, a sound implementation strategy for agriculture, and a reasonable, workable enforcement mechanism is not appropriate at this time.

President
RONALD ANDERSON
P.O. Box 25, Pine Road
Eribe, LA. 70720

1st Vice President
TED GLASER
P.O. Box 81
Cedar, LA. 70762

2nd Vice President
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1725 Camp Zion Road
Lafayette, LA. 70503-3525

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Rt. 2, Box 173
Gueydan, LA. 70542

Secretary/Treasurer
SHELVY ROBERT
40722 Josseline Rd
Baton Rouge, LA. 70717

LFBF continues to request DNR to seek a one year plan submission date delay and provide us with a specific implementation CNPCP strategy for agriculture prior to any plan submission. It is unfair to submit a plan that has not received adequate review by those affected. In addition, major changes in the Coastal Zone Management Act (CZMA) are currently being debated in Congress. The House of Representatives recently passed HR 961 (Clean Water Act rewrite). A provision in this legislation would modify the current CZMA program by giving the states the ability to opt out of the CZMA program and meet their obligations through the regular nonpoint source program under Section 319. Until this debate is concluded, it is not appropriate to submit a plan.

If a plan is submitted in July, 1995, by DNR, we again ask that the following introductory statements be included in the submission:

- 1.) The Plan has not been adequately reviewed by the agricultural community.
- 2.) The Plan's enforcement mechanism prepared by LSU Sea Grant Legal Program has not been presented to agriculture for review.
- 3.) Due to #2 above, LFBF does not support the inclusion of reference to any draft enforcement mechanism(s) in the plan submitted to EPA and NOAA.
- 4.) LFBF supports the continuation of a voluntary nonpoint pollution program in Louisiana, which has been successful and supported state-wide.
- 5.) LFBF supports the continuation of the ongoing LSU Ag Center BMP Review Program aimed at identifying voluntary, effective, economically achievable BMP's for Louisiana commodities and/or specific CZARA management measures.

Volume 2 of Louisiana's Coastal Nonpoint Pollution Control Program lists the MOA's between DNR and the agencies involved in coastal nonpoint pollution control. LFBF is concerned with the apparent disagreement between DNR and Natural Resources Conservation Service (NRCS) on the MOA between the two agencies.

In the document, the MOA states that NRCS agrees to provide a written evaluation of compliance with program activities. This suggests a regulatory role from a non-regulatory agency. NRCS specifically rejected this MOA as being inaccurate and completely beyond the scope of the NRCS mission and outside of its authorities. However, the MOA still appears in the document.

The timeliness mandated for submittal of a state coastal nonpoint pollution control program (July, 1995) is unreasonable. Much more time is needed to develop an acceptable, realistic, economically achievable plan. The five year conditional approval period announced by EPA and NOAA is an improvement. However, the submission of a plan, be it conditional or not in July of this year, is much too ambitious.

Farmers must be given the opportunity to review, study and make comprehensive comments on the state plan prior to submission. This cannot be adequately addressed before the July deadline.

It should be clearly documented that this plan is by no means a final report, and will be modified as user-group input is obtained.

LFBF appreciated this opportunity to comment on this very important issue.

Sincerely,



Ronnie Anderson
President

RA/pb

CC: Senator John Breaux
Senator J. Bennett Johnston
Buck Vandersteen, Louisiana Forestry Association
Commissioner Bob Odom, Louisiana Department of Ag & Forestry
Dr. Rouse Caffey, LSU

H.C. DREW ESTATE

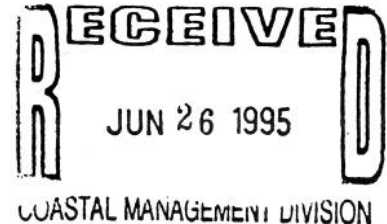
P.O. BOX 125
LAKE CHARLES, LOUISIANA 70602

TRUSTEES:

LOUIE D. (Beau) BARBE, III
C. WADE SHADDOCK, JR.

June 23, 1995

L. Phil Pittman
Louisiana Department of Natural Resources
Coastal Management Division
Nonpoint Source Section
Post Office Box 44487
Baton Rouge, Louisiana 70804-4487



Dear *Mr. Pittman*:

We strongly oppose the submission of a state plan to E. P. A. and N. O. A. regarding Coastal Non-point Pollution Control Program in compliance of the Coastal Zone Re-authorization Act of 1990

Very little input was obtained by D. N. R. due to poor notification and to the lack of available drafts for public scrutiny prior to these meetings. Although various committees were created, the vast majority of these committees were made of state and federal agency employees. As an example; in Calcasieu Parish, with a population of 180,000, only 2 private citizens attended the public notification meeting.


If a plan must be submitted, we recommend the following:

1. The state plan be delayed until more public input can be obtained.
2. The state plan be delayed until final Congressional action be taken on the Clean Water Act that is currently being debated. Final action on this Act would address the C. Z. Act.
3. That agriculture be exempted until such time as:
 - a. Best management practices can be established by the L. S. U. agricultural Center, Louisiana Dept. of Agriculture & Forestry, and Natural Resources Conservation Service.
 - b. Base indicators can be developed to evaluate needs and action necessary if any.
 - c. waterways are identified as impaired by Non-Point source pollution and site specific plans can be developed to address those sites.
4. Retain the present boundaries of the Coastal Zones.

5. That voluntary compliance be the mechanism of compliance by agriculture producers.
6. That a water quality based approach to address specifically identified impaired areas within the Coastal Zone be used rather than technology based.
7. That all reference to the minimum back up enforcement recommended the "Bad Actor" law, or other enforcement measures be eliminated completely.

We feel that more can be accomplished through education, voluntary actions, and intrinsic motivation of the public than mandated action.

Sincerely,



Louie D. "Beau" Barbe, III
Trustee and Land Manager

STREAM PROPERTY MANAGEMENT, INC.
P.O. Box 40
Lake Charles, Louisiana 70602

June 26, 1995

Louisiana Department of Natural Resources
Coastal Management Division
Nonpoint Source Section
P.O. Box 44487
Baton Rouge, LA 70804-4487



Dear Sirs:

We strongly oppose the submission of a state plan to EPA and NOAA regarding Coastal Nonpoint Pollution Control Program in compliance of the Coastal Zone Reauthorization Act of 1990.

Very little public input was obtained by DNR due to poor notification and to the lack of available drafts for public scrutiny prior to these meetings. As an example; in Calcasieu Parish, with a population of 180,000, only 2 private citizens attended the public notification meeting. Although various committees were created, the vast majority of these committees were made of state and federal agency employees.

If a plan must be submitted, we recommend the following:

1. The state plan be delayed until more public input can be obtained.
2. The state plan be delayed until final congressional action be taken on the Clean Water Act that is currently being debated. Final action on the Act would address the C.Z. Act.
3. That agriculture be exempted until such time as:
 - a. Best Management Practices can be established by the L.S.U. Agricultural Center, La. Dept. of Agriculture and Forestry, and Natural Resource Conservation Service.
 - b. Base indicators can be developed to evaluate needs and action necessary if any on particular basins.
 - c. Specific waterways are identified as impaired by nonpoint source pollution and site specific plans can be developed to address those sites.
4. Retain the present boundaries of the Coastal Zones.
5. That voluntary compliance and not regulatory compliance be the mechanism of compliance.
6. That a water quality based approach to address specifically identified impaired areas within the Coastal Zone be used rather than technology based.

7. That all reference to the minimum back up enforcement recommended - the "Bad Actor" law, or other enforcement measures be eliminated completely.
8. "Policy Alternatives In The Implementation Of A Coastal Nonpoint Pollution control Program In Louisiana" by Paul Coreil and Steven A. Henning be incorporated into a very general document if necessary for submittal.

We feel that more can be accomplished through education, voluntary action, and intrinsic motivation of the public than mandated action.

Sincerely,



David Richard

DR:kd

CC: Mr. Bob Odom, Commissioner of Agriculture



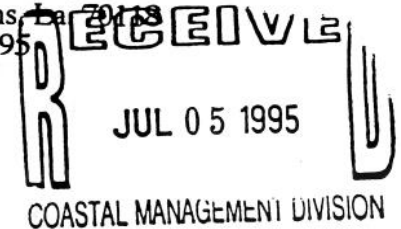
SIERRA CLUB

New Orleans Group, Delta Chapter



1522 Lowerline St.
New Orleans, La. 70118
June 29, 1995

Louisiana Department of Natural Resources
Coastal Management Division
Non-point Source Section
P.O. Box 44487
Baton Rouge, La. 70804-4487



Re: Louisiana Coastal Nonpoint Pollution Control Program, Draft Document.

Dear Sirs,

On behalf of the New Orleans Group of the Sierra Club we request that this letter be made part of the public record for testimony on the Non-point Source Program. We attended the hearing in Harahan on June 15 and gave an oral statement at that time. We have the following additional comments.

- **Area is too Restrictive-** Areas which are heavily polluted by non-point source are not within the plan's boundaries. The entire drainage basin needs to be included not just the portion in the coastal zone. The present boundary is based on political considerations not science. The original CZM boundary was delineated based on political pressures also.
 - 1) Which area for inclusion was recommended by the federal agencies?
 - 2) Why didn't DNR follow NOAA and EPA's recommendations?
- **Monitoring-** Monitoring is one of the most important aspects of any regulatory program.
 - 1) Which chemical pollutants will be monitored? How are chemical pollutants going to be monitored? Which agency/agencies will monitor?
 - 2) Will the state wait for fish kills before they monitor and sample streams?
 - 3) What thresholds will be used to determine whether a stream is too polluted by toxics?
- **Data gathering-** Any database should be accessible to all state and federal agencies.
 - 1) Are there sufficient baseline data on toxics in Louisiana to determine whether pollution is increasing or decreasing?
 - 2) Which agencies will gather baseline data on non-point source toxics?
 - 3) Will these data be integrated into a computerized, interagency database? Both federal and state agencies need to use these data.
 - 4) Will the program be integrated with point source (effluent discharge) pollution programs?
- **Regulations-** There is a movement in the state to "water down" the regulatory programs. Many programs are not properly enforced now.
 - 1) How are we to expect an improvement in the future?
 - 2) Where will the funding come from for implementation and enforcement of a non-point source program?
- **Mercury contamination:** In 1969 over 9,550 lbs of mercurial fungicides were applied to rice growing areas in Louisiana. The La. DEQ has collected fish samples from major recreational

streams in Louisiana and has found high levels (greater than 0.5 ppm) of methyl-mercury in edible fish tissues. Recent fish tissues from largemouth bass in the Honey Island Swamp on the West Pearl River are reported to have levels of mercury as high as 1.23 ppm (almost three times the maximum level recommended by La. Dept. of Health and Hospitals).

- 1) What other mercury compounds are presently being used by agriculture and the forest products industries?
- 2) The oil industry has used mercury in gas meters and the mercury has leaked and contaminated several areas of the state. Will DNR and DEQ wait until there is a public health problem before taking action?
- 3) How will the state monitor for mercury under the non-point source program?
- 4) How will the state determine the source of this non-point pollution?

• **Cumulative effects-** Pesticides etc. Because of the poor regional data base on dioxins and heavy metals we have no idea what the cumulative effects of these toxins are to the states riverine and coastal ecosystems. Dioxins are a contaminant of many organochlorine compounds which are used by Louisiana industries. There is no state program for sampling sports fish for dioxins because the monitoring is "too costly".

- 1) How will the non-point source program reconcile these problems?

• **State Laws too weak-** The La. Natural and Scenic River System permitting program is not properly funded or staffed. It is an example of a poorly run program which is politically influenced. By deliberately underfunding these programs the legislature is limiting an agency's regulating abilities.

- 1) Will there be an evaluation of state laws in regard to non-point source pollution with a recommendation for increasing the law's effectiveness?

• **Takings Laws-** This year the La. Legislature passed the Right to Farm and Practice Forestry Law. It was designed to penalize agencies which regulate the agricultural and forestry industries. This law was pushed by the Agriculture and Forestry lobbies. Evidently the voluntary policing by these industries proved to be too restrictive and they are seeking relief.

- 1) How will this law affect the regulation of non-point sources of pollution originating from these industries?
- 2) How will this law affect other laws being used to control non-point source pollutants?
- 3) How can the state agencies regulate the overuse of pesticides and herbicides when it would be viewed as a takings by the regulated property owners?

• **Best Management Practices- BMP.** This is a good idea in theory. But how will it be enforced? Self regulation does not work in Louisiana. Some companies may be responsible but there will always be a "midnight dumper". A best management practice may seem fine to industry and the politicians but it can still have an adverse affect on public health.

• **Voluntary compliance-** This is a sham. Louisiana industries are actively trying to kill the state's regulatory process by attacking the present laws and statutes.

- 1) How then can voluntary compliance work under present state law when you need cooperation by the regulated industries?
- 2) How is voluntary compliance going to be monitored? By the violating industries? If industry was a "good citizen", we would not need laws in the first place.

We request that the above questions be answered in the Final Report for the Louisiana Coastal Non-point Pollution Control Program (CNPCP). We further offer the following recommendations for consideration in the Final Report.

Recommendations:

1). Expand the 6217 management area to include the entire drainage basins which affect the coastal zone as recommended by NOAA and EPA . Failure to do so will severely limit the Coastal Non-point Pollution Control Program's ability to remedy present and future pollution problems.

The cumulative effects of upstream non-point sources must be addressed. A toxic non-point source upstream also has an adverse effect on the wetlands where the stream discharges its pollutants. All toxic non-point sources within any basin in the southern part of the state need to be identified, regulated and reduced. The lack of flexibility in the proposed 6217 boundary precludes a realistic implementation plan to fulfill the 1990 CZARA goals.

Section IVB-6 states that the coastal zone only includes 6.2% of the state's total forest acreage. The boundary thus proposed excludes of 93.8% of the state's forested acreage from non-point source regulation.

We strongly oppose using the Coastal Zone Boundary as the 6217 inland boundary!

2). To further fulfill CZARA goals, the Louisiana CNPCP needs to be an enforceable program. Phase II of the LSU Sea Grant Legal contract recommendations need public review and legislative action, if necessary, to fill in the many enforcement gaps such as noted in the CNPCP draft plan. As a minimum measure, "bad actor" clauses must be immediately enacted as an enforcement mechanism to improve BMP compliance. In addition, funds need to be provided for enforcement as well as proper funding for existing state programs such as the La. Natural and Scenic River System (presently underfunded). If this CNPCP program is adopted for Louisiana, it needs to be enforceable and independent of political and industry pressures to be effective.

3). Provisions in the Louisiana CNPCP must be allowed for an effective monitoring program to provide timely data in response to fish kills, oxygen depletion, algae blooms etc. A state-wide mercury and dioxin monitoring program should also be instituted to identify non-point sources of these pollutants.

4). The Louisiana CNPCP plan should provide comparisons to those of other states. In addition, coordination with the plans of Texas and Mississippi must be provided for continuity in monitoring and enforcement in areas close to state boundaries.

Please make this letter part of the public record for comments on the Draft Document entitled, Louisiana's Coastal Nonpoint Pollution Control Program, May 1995. Please send us a copy of the Final Document. Thank you,

Sincerely,

Barry Kohl *Peter Guynn*

Barry Kohl, Ph.D and Peter Guynn
Conservation Committee

cc: NOAA,
EPA, Dallas
Sierra Club Legal Defense Fund
Tulane Environmental Law Clinic



Louisiana State University
Agricultural Center

June 29, 1995

Mr. Greg Ducote, CNPCP Coordinator
DNR, Coastal Management Division
P. O. Box 44487
Baton Rouge, LA 70804-4487

RECEIVED
JUN 29 1995
COASTAL MANAGEMENT DIVISION

Office of the Chancellor
Mailing Address: Post Office Box 25203
Baton Rouge, LA 70894-5203
Office: J. Norman Efferson Hall
(504) 388-4161
Fax: (504) 388-4143

Dear Mr. Ducote:

Louisiana's Coastal Nonpoint Pollution Control Program (CNPCP) is anticipated to have a significant impact on agriculture and forestry in Louisiana. For this reason, I asked my faculty to carefully review the 2-volume CNPCP document recently distributed for public review and comment.

We conclude that the CNPCP document, in its present form, fails to address many required program elements, does not clearly present a strategy for addressing these elements, and does not respond to some of the very important issues and concerns I have raised in the past. (See Attachment 1-- Letter to Secretary McClanahan dated December 8, 1994.) Specific review comments and recommendations are listed below.

1. **Best Management Practices (BMPs)**: The determination of acceptable BMPs to be used in satisfying program-required management measures should be completed for each source category and reviewed by impacted constituents prior to document submission to NOAA/EPA.

2. **Implementation Strategy**: I strongly recommend that a detailed strategy for achieving a socially acceptable, economically viable, and environmentally effective CNPCP plan (outlining goals, milestones, timetables, decision-makers, implementation and monitoring requirements, etc.) be developed and included in the program document prior to document submission to NOAA/EPA and prior to any additional program work at the state level.

3. **Boundary**: The DNR decision to establish the current coastal zone boundary as the Section 6217 CNPCP boundary is well supported by the materials contained in Volume 2, and I strongly support this decision.

4. **Enforcement Mechanism**: I recommend eliminating the draft proposed legislation and all references to draft "Bad Actor" and enforcement legislation from the program document until thorough review can be made and until sufficient program definition can be achieved to determine the applicability of the proposed legislation to the Louisiana CNPCP plan.

Mr. Greg Ducote
June 29, 1995
Page 2

Furthermore, I recommend the continued use of voluntary implementation programs since they have proven to be extremely effective for agriculture and forestry in Louisiana.

5. Technology-based Approach: I strongly support the geographical targeting of water quality problem areas (a water quality-based program approach) for all nonpoint source programs in Louisiana. The technology-based implementation approach included in the CNPCP could unfairly require each producer to alter his/her management practices regardless of applicability to his/her operation and regardless of his/her contribution to any water quality deterioration, and would result in an inefficient and minimally effective program.

6. Memoranda of Agreement: It would be ill-advised to include the draft MOAs in the current program document. The MOAs in the CNPCP document have not received extensive agency review, and I have not agreed to the wording contained in the Louisiana Cooperative Extension Service MOA.

7. Exclusions: I support the exclusion of the Forestry Category and the Dams Subcategory of Hydromodification from the CNPCP program.

8. Public Participation: In my opinion, it would be a serious mistake to submit a "draft" program plan for agriculture or forestry without first receiving extensive constituency input and review, tasks that have received inadequate attention.

A discussion of each point is presented in Attachment 2. Extensive document review comments are provided in Attachment 3. I submit these comments, recommendations, and the related attachments for your consideration, and for inclusion in the official public review comments and to be appended to the draft CNPCP document.

I strongly recommend that this document not be submitted to NOAA/EPA in July 1995 because of the deficiencies in the current document and the unresolved implementation and enforcement concerns highlighted above. In the event this cannot be done due to the financial penalties that may be imposed, we strongly encourage you to submit only the minimum "skeleton" plan needed to secure conditional approval. If the skeleton plan should be unapprovable, EPA and NOAA have indicated that ". . . penalties, if invoked, will begin at 30% in fiscal year 1999 and beyond" (quoted from attachment to letter addressed to Dr. H. Wayne Beam, Chairman, Coastal States Organization dated March 16, 1995). This penalty provisions delay gives Louisiana and DNR three years to develop an acceptable program document without the immediate threat of financial penalties. Additionally, Clean Water Act (CWA) reauthorization (HB 961) has recently passed the U.S. House of Representatives. This bill provides for a voluntary nonpoint source pollution reduction approach and the consolidation of nonpoint source pollution programs under Section 319 of the CWA. (Currently, Louisiana's Section 319 program is administered by DEQ.) While

Mr. Greg Ducote
June 29, 1995
Page 3

final passage of this bill is not assured, the combination of these two recent events strongly support a decision to delay submission of the CNPCP program document.

I would like to again recommend and strongly request that this document not be submitted to NOAA/EPA in July 1995. In the event you go forward with the document's submission in July, I urge you to review and incorporate the recommendations and text editorial comments included in and attached to this letter.

Respectfully,


H. Rouse Caffey
Chancellor

c: Senator John Breaux w/att.
Senator J. Bennett Johnson w/att.
Congressman Richard Baker w/att.
Congressman Cleo Fields w/att.
Congressman William Jefferson w/att.
Congressman Jimmy Hayes w/att.
Congressman Bob Livingston w/att.
Congressman Jim McCrery w/att.
Congressman Billy Tauzin w/att.
Mr. Jeff Benoit w/att.
Mr. Robert Wayland w/att.
Mr. Jack McClanahan w/att.
Mr. Bill Kucharski w/att.
Commissioner Bob Odom w/att.
Mr. Ronald Anderson w/att.
Dr. Larry Rogers w/att.
Dr. Kenneth Tipton w/att.
Dr. Jack Bagent w/att.
Dr. Bill Brown w/att.
Mr. Paul Coreil w/att.
Ms. Brenda Bruner w/att.



Louisiana State University

Agricultural Center

ATTACHMENT 1.

March 14, 1995

Office of the Chancellor

Mailing Address: Post Office Box 25203
Baton Rouge, LA 70894-5203

Office: J. Norman Efferson Hall
(504) 388-4161
Fax: (504) 388-4143

Mr. Jack McClanahan, Secretary
Louisiana Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA 70804-4487

Dear Secretary McClanahan:

It is our understanding that DNR is planning to submit a Coastal Nonpoint Pollution Control Program (CNPCP) plan to the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) in July 1995. This CNPCP plan will include provisions calling for the mandatory implementation of management measures for agriculture and forestry over a five year period.

In a memo dated December 8, 1994 to you, Secretary Kurcharski (DEQ), and Commissioner Bob Odom (DAF), I pointed out that the success or failure of this program in agriculture and forestry will be highly dependent upon the educational programs and research developed by the LSU Agricultural Center. Development, review and transfer of effective, economically achievable Best Management Practices (BMPs) must include detailed planning and adequate input from all affected user groups. The submission of a "plan" by July 1995 without resolution of the 1) geographic scope of the program (boundary decision), 2) enforcement mechanism(s), and 3) an implementation strategy for agriculture and forestry would not be prudent.


I would like to restate my position regarding Louisiana's CNPCP plan development initiatives. I request that you 1) seek a one year plan submission date delay immediately, 2) not introduce any CNPCP related legislation until adequate review by affected user groups and the LSU Agricultural Center has been completed, and 3) develop a Plan of Work that specifies implementation strategy and lists specific milestones critical to the development of a workable plan for agriculture and forestry.

If a one year delay cannot be obtained, I strongly recommend that DNR not move forward with the submission of a plan in July 1995. I feel it would be ill-advised to submit a plan that has not received adequate review and would ultimately require significant modifications before implementation would be possible. There are just too many questions that have not been answered to date.

Mr. Jack McClanahan
March 14, 1995
Page 2

Could you please arrange a meeting to hear our concerns. I specifically would like to have Mr. Bob Odom, Commissioner, Louisiana Department of Agriculture and Forestry and Mr. Bill Kucharski, Secretary, Louisiana Department of Environmental Quality, there, and Martin Cancienne, as well as Dr. Larry Rogers, Dr. Bruce Flint, Dr. Jack Bagent, Mr. Paul Coreil, Ms. Brenda Bruner and me from the LSU Agricultural Center.

Sincerely,


H. Rouse Caffey
Chancellor

HRC:kps
Attachments

c: Mr. Bob Odom w/att.
Mr. Bill Kucharski w/att.
Mr. Martin Cancienne w/att.
Dr. R. Larry Rogers w/att.
Dr. Ken W. Tipton w/att.
Dr. Bruce Flint w/att.
Dr. Jack Bagent w/att.
Dr. W. H. Brown w/att.
Mr. Paul Coriel w/att.
Ms. Brenda Bruner w/att.

CZARA Update - March 1995

On February 22, 1995, DNR conducted a Threshold Review with the federal agencies that are overseeing the development of a state Coastal Nonpoint Pollution Control Program (CNPCP) in Louisiana (EPA and NOAA). Important unresolved issues are listed below:

BOUNDARY - EPA and NOAA are not completely supportive of maintaining the existing coastal zone boundary for the new CNPCP in Louisiana. Boundary expansion is still an issue particularly in the Mermentau River basin and the Tangipahoa River basin. Even though the burden has been shifted from the states to the federal agencies as to geographic scope of the program, NOAA made it clear at the review that they are very concerned about water quality impairments associated with agricultural activities in these two areas.

PRACTICES- To date, there have not been specific practices developed and listed that match the CZARA management measures for agriculture. The Agricultural Center has conducted an initial review of potentially effective Best Management Practices (BMPs) over the past 2-3 years, however, this process is not complete. The matching of specific BMPs to mandatory CZARA management measures will be required for final CNPCP plan development, and this process will take additional time and effort.

IMPLEMENTATION STRATEGY - Specific plan implementation milestones should be laid out that assures the development of a socially acceptable, economically achievable plan. A "Whole Farm Plan" concept has been suggested by EPA and NOAA as one of the implementation approaches that would be acceptable. EPA and NOAA will allow states to finalize their plans over a five-year "Conditional Approval" period. During this five-year period, states must finalize CNPCP plan specifics, conduct educational programs that will familiarize targeted groups with the program, and achieve state legislative approval of the plan components. To date, no specific goals/milestones have been developed by DNR or the CNPCP Agriculture Subcommittee that adequately delineates a structured approach to implementation.

TIMELINES - Previously established federal deadlines require the state to submit a plan to EPA/NOAA in July 1995. A response to the request by the LSU Agricultural Center and the Louisiana Department of Agriculture and Forestry for a one year delay has not been acted upon to date. In our opinion, it would be a mistake to submit a plan for agriculture and forestry that has not received adequate constituency review and will more than likely be substantially modified.

ENFORCEABLE POLICIES/MECHANISMS - The minimum back-up enforcement provision that will be acceptable to the federal agencies is a "Bad Actor" law. Farmers/forest landowners that fail to implement practices addressing the mandatory CZARA management measures could ultimately face civil penalties under this law. Much more input from producers will be necessary to develop a fair, workable "Bad Actor" law for agriculture and forestry in Louisiana. Additionally, legislative approval will be required.

TECHNOLOGY-BASED APPROACH - EPA and NOAA have not abandoned the technology-based approach (practices must be implemented coastwide regardless of the water-quality in the area). The only change seems to be that states will be allowed to prioritize plan implementation in areas with impaired waters. All areas within the geographic CZARA boundary, however, would have to ultimately comply with plan requirements within five years.

MEMORANDA OF AGREEMENT - DNR is now developing memoranda of agreement with all state agencies and institutions that will be participating in the CNPCP implementation in any way. These draft MOAs have been recently forwarded to appropriate agencies (including the LSU Agricultural Center's Cooperative Extension Service) for review. Internal comments on the Extension MOA are still being obtained; however, all MOAs will be included in plan when submitted in July 1995.

PROGRAM FUNDING - DNR has verbally proposed funding the state's CNPCP through a new tax on pesticides. Where the tax would be paid, i.e., manufacturing or consumer level, has not been defined. As with the boundary change and "bad actor" law, this pesticide tax proposal would have to be approved by the Louisiana State Legislature.

OTHER ISSUES

- DNR has verbally indicated that they do not plan to submit proposed CNPCP legislation during the upcoming 1995 Legislative Session.
- To date, no known future CNPCP Agriculture Subcommittee meetings are set prior to the July 1995 plan submission deadline.
- The Coastal Zone Management Act is set for reauthorization by the Congress late in the 1995 session.

Attachment 2. CNPCP Issues of Concern

Submitted by the LSU Agricultural Center
During DNR's 30-day CNPCP Public Comment Period

June 1995

BOUNDARY - EPA and NOAA may not be completely supportive of maintaining the existing coastal zone boundary for the new CNPCP in Louisiana. Boundary expansion may continue to be an issue. Even though the burden has been shifted from the states to the federal agencies as to geographic scope of the program, NOAA made it clear at the February 1995 threshold review that they continue to be concerned about water quality impairments in some coastal regions. In the draft document, DNR has recommended that the existing coastal zone boundary not be moved northward into potentially contributing watersheds. This recommendation is widely supported by the LSU Agricultural Center and agriculture and forestry organizations statewide. It is infeasible to expect DNR to administer a coastal nonpoint "zone" any larger than the existing Louisiana coastal zone.

PRACTICES- To date, there have not been specific agreed upon practices developed and listed that match the CZARA management measures for agriculture. The Agricultural Center has conducted an initial review of potentially effective voluntary Best Management Practices (BMPs) over the past 2-3 years; however, this process is not complete. The matching of specific BMPs to mandatory CZARA management measures has not been done and will be required for before final CNPCP plan development and submission. This in depth process will take much additional time and effort. The statement made on page I-10 of the draft document indicating that the DNR "...Interagency Committee and its various subcommittees....have delineated all procedures that the State of Louisiana will use to ensure implementation of the management measures" is not correct. This essential task has not been completed to date and the LSU Agricultural Center and agricultural leaders feel that the draft program document should not be submitted until this essential element is finalized.

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ATTACHMENT 3. DETAILED REVIEW COMMENTS ON LOUISIANA'S COASTAL NONPOINT POLLUTION CONTROL PROGRAM

LSU Agricultural Center

Executive Summary

The Department of Natural Resources (DNR), in the 2-volume document to be delivered to NOAA/EPA, states what Louisiana proposes to do in the accomplishment of Louisiana's Coastal Nonpoint Pollution Control Program (CNPCP) goals and objectives. This document includes the who and when of program implementation.

Although DNR acknowledges itself as the agency with responsibility for developing and implementing the program, DNR is relying heavily upon federal and other state agencies to implement most components of the program. This would be achieved through memoranda of agreement (MOAs) proposed between DNR and other agencies. The successful negotiation and execution of these MOAs has not been achieved (although this section implies that the role of all lead agencies in program implementation is finalized). There is little reason to believe that the negotiation of these contracts would go exactly as DNR plans.

The document states that "The Interagency Committee and its various subcommittees have identified all source categories and subcategories . . . , have described all management measures and BMPs, and have delineated all procedures that the State of Louisiana will use to ensure implementation of the management measures." (page I-10) This is not true of the Agriculture Sub-committee (AgS). If it is true, from the overall perspective, we have not seen such a document and DNR does not present it in the current document. Furthermore, relative to the Agriculture component, the current document does not, as we see it, provide all BMP options. The BMPs listing for agriculture has not been reviewed by the AgS to determine applicability to this program, and in fact, may not be applicable to this program due to the enforceable nature of the program.

DNR does not indicate in this document how they will go about determining what is to be implemented or who (DNR, MOA agency or other) will determine how the MOA agencies will implement the program. And finally, this document does not address who will be impacted by this program, or what the environmental impacts or consequences of the program will be.

The document as drafted for submission does not, in our opinion, adequately delineate implementation procedures for the program. (The text on page I-10 states that this has been completed!) DNR has, in the past, indicated its intent to make the program a voluntary program (within the constraints of the NOAA/EPA requirement to have back-up enforceability provisions in place). Is this currently the intent? Or has a change in philosophy occurred?

Other specific points presented in this section of the document of note are the following.

1. DNR states in Chapter II that the CNPCP program's boundary will be existing coastal zone boundary, but in the MOAs, other boundaries are indicated. Which is the DNR-proposed program boundary?
2. An implementation schedule of eight years following federal approval is indicated for current management measures (13 years for any new management measures to be added later). This is a change in schedule of which we were unaware.
3. Task 1 (page I-2) text states "The Interagency Committee and/or the subcommittees met monthly to coordinate all aspects of the development of the CNPCP." This statement is unclear. Not all committees met monthly. Also the committee's role was never defined as a coordination role, and did not operate in this manner.
4. Task 3 (page I-3): 1) The Agriculture subcommittee has not participated in any discussions of prioritizing source categories and subcategories. 2) "(subcommittees) have also identified the gaps in information and recommended approaches to fill in these gaps." Again, this is not true for the Agriculture subcommittee, especially concerning approaches to filling gaps.
5. Task 4 (page I-3): Compilation of water quality information by subsegments is a recent effort of DNR and consultants. The decision to delineate the 6217 boundary as corresponding to the current coastal boundary was made months ago. The recent compilation of information has been added to further strengthen the decision already made. To imply that the subcommittees had input into this decision after reviewing accumulated information is not true.
6. Task 5 (page I-3): "Gaps were then identified and modifications needed for implementation noted." We were unaware of this process; subcommittee input to this process is questionable (at least for the AgS).
7. Task 10 (page I-6): "The LDNR/CMD and the committees and subcommittees of the CNPCP have reviewed all management measures **approved** for implementation." Management measures have been dictated by law. They were not optional, and therefore, not approved at the state level. This statement should say "dictated" or "required".
8. Task 11 (page I-6): Initiate development of program document and EA/EIS --
 - a. Most tasks preceding this task are information gathering-type tasks. A task to develop an implementation plan is not contained in this listing. How can DNR jump from the "information gathering" phase to the "writing up the document" phase without first going through a plan development phase?
 - b. The Environmental Assessment/Environmental Impact Statement (EA/EIS) requirements of NOAA/EPA have not been addressed. To document and/or quantify the environmental impact or consequences of this program will be a difficult and lengthy

process. What is DNR's plan for meeting this program requirement? They are not mentioned in this document.

9. "Critical coastal areas are currently being studied by the five subcommittees . . ." This is currently not a subcommittee activity, but a DNR/consultant activity.

Chapter II -- Boundary

1. This section is well written and well documented.
2. Page IIB-18: The "LSU Agriculture Center" should be LSU Agricultural Center.
3. Page IIC-5: "Beaugard" should be Beauregard.
4. Page IIC-49: Reference to the Tangipahoa Parish local ordinance requiring inspection of residential septic systems prior to completion of sale of any property and replacement of any failed or ineffective system would strengthen the statement about homeowners' contributions to the improvement in water quality for the Tangipahoa River. The Department of Health and Hospitals (DHH) parish office in Amite could provide you with more details on this ordinance, including statistical information about the numbers and areal extent of new system installations. The program gains its enforceability through its being tied to utilities transfer or connection. It has been a very effective program, and worth noting. Also worth noting is the recent DHH decision to begin more stringent, statewide enforcement of the state legislation requiring all home sewage systems (septic tanks, mechanical treatment systems, etc.) to be pumped out at the time a transfer of property ownership takes place.

Chapter III -- Coordination Requirements

1. Page IIIB-2: The Louisiana Cooperative Extension Service (LCES) is charged with: 1) preparing a pamphlet linking management measures and BMPs for the CNPCP; and 2) producing a videocassette on the implications of the CNPCP program. These are indicated as products to be delivered in fall, 1995. Neither will be achievable by this deadline since BMP options are not finalized, implementation specifics are not known, and therefore, the implications of the program currently can not be assessed.
2. Page IIIG-1: Program elements identified as remaining to be accomplished are the monitoring plan, critical coastal areas identification, and legislative approval. These are to be completed between January 1996 and July 1997. Critical program elements not mentioned here and either not yet completed or not yet addressed *include*: identification of and decision as to the BMPs to be implemented; development of an implementation plan (to include the who, what, when, where and how of implementation); indication of who will develop the plan, and how and when this plan will be developed; and the determination of the program's environmental impacts.

Chapter IV -- Source Categories

A. Agriculture

1. Page IVA-1: In the first paragraph, we **seriously question** the validity of implying that agricultural pollutants threaten " . . . everything from shrimp and oysters, to redfish and bald eagles". Why is this statement included in the introduction of the Agriculture Section of this document? Is there current data to prove this?
2. Page IVA-2: Technical Assistance -- Why not include LSU Agricultural Center, not just LCES.
3. Page IVA-2: The Louisiana Department of Agriculture and Forestry is listed as the agency that will monitor for CMP compliance for the program. Has DAF agreed to assume this enforcement responsibility? Shouldn't the draft plan explain how the compliance program will be implemented so that producers can articulate their comments by the submission date?
4. Page IVA-5: We believe the Quackback Program should be referred to as "Operation Quackback" jointly sponsored by the Louisiana Rice Growers Association (not only Vermillion Parish), Louisiana Farm Bureau Federation, and LCES.
5. Page IVA-10: The "bad actor" provision is indicated as the legal mechanism through which agricultural sources will be regulated. Who is the "bad actor"? How will he/she be identified? The currently proposed legislation does not answer these questions.
6. Specific questions concerning the CNPCP's implementation for agricultural "sources" remain unanswered, many even unaddressed. For example, is the land application of dairy wastewater to be considered an irrigation sub-category issue?

Listing of Louisiana Statutes, etc.

1. It seems inappropriate to list federal statutes when only state statutes were indicated. If appropriate to list federal statutes as appropriate to this program, then all relevant federal statutes, etc. need to be listed.

Proposed Legislation

DNR has indicated that it intended to use the "Bad Actor" approach to achieving enforceability for program areas currently lacking enforceability. Is one document/piece of legislation appropriate or adequate for all source areas that have inadequate enforceability?

Specific comments concerning the proposed Subpart D - Louisiana Coastal Nonpoint Pollution

Control Program draft legislation follow.

214.63 (2) "person conducting a nonpoint pollution activity" - This comment implies that the state is cost sharing the pollution activity not the corrective or abatement activities. (3) and (6) use the term "nonpoint pollution activity" to indicate source of pollution or activity contributing to pollution. Distinction needs to be made between the polluting activity and activities to correct pollution.

214.63 (4) "greatest degree of pollutant reduction" - Do we know, in each selection of BMPs we make, that the chosen technology, process, etc. can be expected to produce the "greatest" reduction. Improvement, yes. But not so absolute as to be the "greatest".

214.63 (8) "A site-specific conservation plan may be designed by . . . or the appropriate state agency." - The statement "the appropriate state agency" implies that there is only one (other than DNR) that can perform this task. The wording "other appropriate state agencies" rather than "the appropriate state agency" would provide for more than one option. And there are others.

214.65 (1) This provides for rule-making, but what about DNR's ability to execute the rules. This section is supposed to define your "powers". Section 214.74 may somewhat offset this comment.

214.65 (5) "Aid local governments and public . . ." to do what? Understand problem? Correct nonpoint pollution locally?

214.65 When reviewing the list of seven authorities, there is no mention of corrective authority, corrective actions, etc. The only item clearly on the implementation side is (7), with (5) having the possibly of becoming an implementation authority if it were to be more specifically stated?

214.66 (B) Are 3 and 5 not the same person?

214.74 (B) How does DNR become aware of a nonconformity to management measures? To what extent can DNR investigate pollutant sources on-site? Can DNR set up invasive equipment, monitoring schemes, visual inspection only, etc.?

214.74 (C) What will the plan look like? Who decides? Can it be developed in 6 months? How will a person demonstrate that he/she is implementing a plan, especially if it takes 5 1/2 months to develop a plan? Will the plan only address management measures and not other site environmental problems?

214.74 (D-1) "corrective order. . . requiring the person to implement specified corrective measures within a stated period of time." The meaning of this statement is unclear. In

section (B), the plan and its implementation is indicated as corrective. Does this new statement mean that the non-compliant person will be told what BMPs to install and when? That's what it sounds like.

214.74 (F-2) Imposition of a fine has not been previously mentioned. It seems that (G) needs to precede (F) to first discuss penalties.

214.74 (G-1) What is a "violation"? When is a situation labeled a violation? When will fines be imposed rather than a site-specific conservation plan or corrective action implemented? Something seems to be missing here in the chain of events.

Listing of Memorandums of Agreement

1. It seems more appropriate to propose an MOA between DNR and the LSU Agricultural Center than DNR-LCES. Research components are mentioned several times in the document, but not intended to be formally addressed.

Memorandums of Agreement

1. MOA with DAF - is it draft or official? If unofficial, the DAF's MOA needs to be marked "DRAFT".

2. All but DAF MOAs are marked "Draft for Internal Review". It seems inappropriate to include these materials in the document to be submitted to EPA when MOAs have not been through internal review yet. This step could later prove to be embarrassing to DNR if major differences between agencies' views should result. If unresolvable differences result, the impact could be very detrimental to the program.

3. Paragraph 1: The area of applicability for the MOA is indicated as the NOAA/EPA proposed boundary. The MOA sections on Implementation and on Monitoring also make reference to an "extended area" for the CZARA program. These statements about the program's area of responsibility are not appropriate since DNR has chosen the current coastal zone area to be the area of responsibility for the state's proposed program. The use of any statements noting a boundary other than the current coastal zone boundary seems to be unwise, given the DNR position on the boundary issue. Such statements in the draft MOAs could give NOAA/EPA the idea that the state could be easily dissuaded from its position on the boundary question, and even anticipates the change to the alternate, extended boundary proposed by NOAA/EPA.

4. DAF MOA --

a. Does DAF currently have a program to educate agriculture and forestry industries?

b. DAF is to oversee program implementation in agriculture and forestry. Who is developing the program plan to be implemented? We have not seen a "plan" prepared by

DNR. Louisiana Executive Order EWE93-14 appears to place authority and responsibility for CZARA plan development relative to agriculture and forestry within the DAF. Are they to serve in this capacity?

c. DAF is to "monitor projects within the CNPCP management area". What projects? CZARA projects? All DAF projects in the area? All agriculture and forestry activities within the area?

d. Education - Does DAF educate? Does DAF currently develop and test BMPs? These sound like activities more appropriately designated to the LSU Agricultural Center.

5. LCES MOA -- This MOA seems **totally inappropriate** for LCES.

a. **Responsibilities:** Why would LCES assist DNR in administering the CZARA program? LCES is an educational agency, not a regulatory agency! Can LCES oversee educational components of other agencies' MOAs? LCES is indicated as providing written evaluation of compliance with program activities. Whose compliance? LCES? All agencies?

b. How does LCES support the development and testing of best management practices? Research and testing are the responsibility of the Louisiana Agricultural Experiment Station, a unit of the LSU Agricultural Center and parallel unit to LCES.

6. MOAs, Implementation Section - Agencies are being asked to monitor their own program activities to assure consistency with the CZARA program, and to report any non-compliance. This seems **highly unlikely that this reporting would ever take place**, especially if penalties, fines or agency funding losses could be imposed!

7. MOAs, Monitoring Section - Is monitoring to track BMP implementation progress or water quality changes?

8. The method of DNR monitoring of MOAs' execution is not indicated. What checks and balances will be in place?

9. DNR appears to be attempting to distribute all program implementation responsibilities. How can the program be very effective if the agency with direct authority and responsibility is not the agency carrying out the program?

10. **We recommend that the draft MOAs be excluded from the document.** A better format for presenting the implementation ideas would be to add a brief statement to the MOA listing that would state what DNR hopes to achieve through each MOA. Concluding the listing with an indication that MOA negotiations are underway would more positively show action in the program's development.

Attachment 2.

CNPCP Issues of Concern

Submitted by the LSU Agricultural Center
During DNR's 30-day CNPCP Public Comment Period

June 1995

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Sunrise, Mt. McKinley

Ansel Adams

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June 30, 1995

Ref: 00086

Louisiana Department of Natural Resources
Coastal Management Division
Nonpoint Source Section
P.O. Box 44487
Baton Rouge, Louisiana 70804-4487

RECEIVED
JUL 03 1995
COASTAL MANAGEMENT DIVISION

VIA FAX AND 1ST CLASS MAIL

RE: Comments on Louisiana's Draft
Coastal Nonpoint Source Pollution
Control Program

On behalf of the 5,000 members of the Louisiana Environmental Action Network (LEAN) and the Sierra Club Legal Defense Fund, Inc., enclosed please find our comments on Louisiana's Draft Coastal Nonpoint Source Pollution Control Program. Many aspects of the draft program do not conform to the EPA Final Guidance, as required under the CZARA, or do not comply with the CZARA itself. Louisiana's coastal zone is the State's most important natural resource. It is vital that the State do everything within its power to protect the quality of its coastal waters. We urge the Coastal Management Division to improve its proposed program so that it is comprehensive and enforceable, to ensure that the program is capable of meeting the goals of the CZARA, and gaining the approval of EPA and NOAA. Louisiana cannot afford to lose the significant federal funds that will be available if this program is approved. More importantly, Louisiana cannot afford to wait any longer to control nonpoint source pollution. Our coastal waters are already showing the serious negative effects of coastal nonpoint source pollution.

If you have any questions or comments regarding this document, please call Eric Huber or Allison Hensey at (504)522-1394. Thank you for the opportunity to comment.

Very truly yours,

Eric E. Huber
Sierra Club Legal Defense Fund, Inc.





Sunrise, Mt. McKinley

Ansel Adams

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**COMMENTS ON LOUISIANA'S DRAFT COASTAL NONPOINT
POLLUTION CONTROL PROGRAM (LCNPPC)
by the Sierra Club Legal Defense Fund, Inc.
New Orleans Office
on behalf of the
Louisiana Environmental Action Network (LEAN)**

**I. Compliance with the Coastal Zone Act Reauthorization
Amendments (CZARA)**

1. Louisiana has not Identified Critical Coastal Areas:

16 U.S.C.A. § 1455b(b)(2) requires that the CNPCP shall contain the identification of, and a continuing process for identifying, critical coastal areas adjacent to coastal waters identified in subsections (b)(1)(A) and (B). (Those waters which do not meet water quality standards or are threatened by future increased pollution loadings.)

Louisiana's CNPCP does not identify critical coastal areas. Instead it states that "Louisiana is not ready to identify any critical coastal areas at this stage in the program development." Louisiana's Draft Coastal Nonpoint Pollution Control Program, May 1995 ("Plan"), p. III E-1. The Plan does state that Louisiana intends to map threatened and impaired coastal waters, and subsequently identify areas within the 6217 management area in which new or expanding land uses may cause or contribute to the impairment of coastal water quality. Plan, p. III E-1. Once census data is analyzed for the identified areas, "LDNR anticipates production of a map of those areas which are likely to be the best candidates for a critical area designation. Louisiana expects to use this to map a critical coast management zone." Id.

The fact that Louisiana has not even begun to identify critical coastal areas, possibly a multi-year project, where such identification is a required element of the Plan, suggests that this plan is not ready for approval by EPA and NOAA.



2. Louisiana has not Identified All Land Uses Causing Impairment:

16 U.S.C.A. § 1455b(b)(1) requires that the LCNCP shall contain the identification of, and a continuing process for identifying land uses which, individually or cumulatively, may cause or contribute significantly to a degradation of impaired or threatened coastal waters as defined in § 1455b(b)(1)(A) and (B). Louisiana has identified some land uses, yet admits that it has not yet even begun to map or identify impaired or threatened coastal waters off the Louisiana coast. It seems obvious that to identify all of the land uses that significantly contribute to degradation of impaired and threatened coastal waters, Louisiana first has to know which coastal waters are impaired and threatened. That the State does not have this information casts doubt on its entire CZARA process. It especially draws into question its recommendation to exempt the forestry industry and dams from inclusion in the LCNCP, since the State cannot know the impact of these activities on coastal water quality until it has studied the impaired and threatened waters off Louisiana's coast. We are also concerned that Louisiana's site specific conservation plans and management measures will not be as effective as is required by the CZARA because they will not reflect a knowledge of the character of the impaired and threatened coastal waters and which land uses most significantly affect those waters.

3. Excluding a category from compliance with the Plan

States may exclude from their programs sources that do not exist within the 6217 management area or that, individually or cumulatively, do not significantly impact coastal waters. Greg DuCote, of LDEQ, stated in a phone conversation with Allison Hensey on June 27, 1995 that LDEQ requested an exemption for the forestry industry because the forestry industry has already reached close to 80% compliance through voluntary BMPs, and is allegedly working hard to reach full compliance on their own. Therefore, LDEQ felt that the forestry industry would not significantly impact coastal waters because a voluntary nonpoint pollution reduction program is already in place. Additionally, Mr. DuCote said that the majority of forestry operations are outside Louisiana's proposed 6217 management zone (but not the one NOAA proposed). This is supported by EPA and NOAA's threshold review comments, which state that "Louisiana requests a categorical exclusion for the forestry source category based upon the proposal that forestry does not and is not reasonably expected to, individually or cumulatively, present significant adverse effects to living coastal resources or human health." EPA and NOAA Threshold Review, June 19, 1995, p. 15. However, EPA and NOAA's Guidance states that "[w]here existing land uses are

already addressed by programs designed to minimize runoff, those sources and programs should be included in the state or territory's coastal program, rather than excluded." "Flexibility for State Coastal Nonpoint Programs", p. 6. Therefore, the voluntary compliance plan for the forestry industry should be included as a part of the LCNPCP, and supplemented by enforceable mandates, as required by the CZARA. 16 U.S.C.A. § 1455(d)(16). There is simply no just reason for exempting an entire industry from the enforceability of LCNPCP and leaving compliance to the non-enforceable, voluntary BMP state program.

4. Enforceability

The CZARA requires a state's Coastal Management Plan to contain enforceable policies and mechanisms to implement the requirements of the Coastal Nonpoint Pollution Control Program. 16 U.S.C.A. § 1455(d)(16). (Emphasis added).

Following are suggestions to strengthen the proposed statute in Louisiana's Draft CNPCP to ensure that it is enforceable.

a. § 214.74(C)(2) of the proposed statute states that if a person who has been notified that they are not in compliance with management measures has failed to begin actively applying the site-specific conservation plan within six months of the notice, DNR may issue a corrective order. First, why are nonpoint sources given six more months to pollute? Second, we believe that "may" should be replaced with "shall". The goal of the CNPCP is to reduce coastal nonpoint source pollution, and to restore coastal waters so that they meet water quality standards and support designated uses. Therefore, any nonpoint pollution source that is still not complying with management measures six months after notification must be required to comply. Since the issuance of a corrective order does not carry a fine (which it should), there is no reason not to require DNR to issue a corrective order.

b. § 214.74(D)(2) of the proposed statute states that a corrective order shall only be issued after a hearing. We recommend that this be changed to "opportunity for a hearing." It is a waste of DNR resources to give a hearing to every person to whom they wish to issue a corrective order, when any person who wishes a hearing can request one. Due process is protected with the opportunity for a hearing before the order becomes final. Requiring a hearing before issuing an order creates a backlog of orders, and unduly delays enforcement. It also slows down the correction of the poor management practices, and increases the likelihood that an order will not be issued.

c. We recommend that you add to § 214.74(D)(1) the language

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"or cease the activity causing the coastal nonpoint source pollution" at the end of the phrase "requiring the person to implement specified corrective measures within a stated period of time."

d. § 214.74(D)(5)(2) provides that DNR shall not issue a corrective order to any person actively applying an approved site-specific conservation plan. This section of the statute is troubling, because it may be interpreted as leaving DNR powerless to change an approved site-specific conservation plan when it is not effectively reducing nonpoint source pollution, as long as a landowner continues applying the current plan. Because reducing nonpoint source pollution is an inexact science, DNR will likely adjust its site-specific conservation plans and management measures for many years after the CNPCP is implemented, as it discovers which measures are effective and which are not. It is important for DNR to have the power to make these adjustments along the way. We strongly recommend that DNR clarify in this section of the statute that DNR has the authority to change site-specific conservation plans, or take action against those deviating from plans, if current plans are not sufficiently effective, and to require landowners to implement the changes. We suggest public notice and comment on the proposed changes, notice to the landowner of the final changes, and a limited time period in which the landowner must implement the changes in the approved site-specific conservation plan. DNR must have this authority over landowners who are currently applying an approved site-specific conservation plan. Otherwise, the CNPCP is not enforceable, as is required by the CZARA 16 U.S.C.A. § 1455(d)(16).

e. § 214.74(G)(1) of the proposed statute requires DNR to petition the district court to assess penalties for violation of the statute. This will substantially delay enforcement, significantly increase enforcement costs, and increase the bureaucratic hurdles to be jumped through to get compliance. To effectively enforce the CNPCP, DNR must have the authority to issue fines administratively. DNR should also remove the penalty ceiling (\$10,000). Instead, the amount of the penalty should be based on economic benefit received from noncompliance, and ability to pay, in addition to the factors listed in § 214.74(G)(4) of the proposed statute. If economic benefit and ability to pay are not factors in determining the penalty, large, profitable polluters will pay small fines as a cost of doing business and not even notice it, instead of complying. In addition, the proposed statute should clarify whether fines are to be issued by DNR per incidence of noncompliance with a corrective order, per day, or per month.

f. The proposed statute should also include a citizen's

suit provision which allows any person to sue a person who has not complied with a compliance order within the time period specified in the order. Such a provision is important to the success of the CNPCP because the agencies of Louisiana will not have the time or resources to monitor every nonpoint pollution source to ensure compliance. Therefore, enforcement of the Plan would be greatly enhanced by citizen monitoring. Attorneys fees should be available for prevailing citizens to enable citizen's groups to enforce the laws, or act as private attorneys general, where the State has been unable (or unwilling) to diligently prosecute violators.

g. EPA's Guidance Draft Final, dated 3/6/95, states that "[i]f a state or territory proposes to rely on voluntary and incentive-based programs and existing, general state authorities, the coastal nonpoint program should provide an explanation of how the state or territory proposes to use its back-up authority, if necessary, to achieve widespread implementation of the measures for which it is cited throughout the 6217 management area." Guidance Draft Final, p. 9. In other words, if a state chooses to make compliance with its CNPCP management measures voluntary, it must still have the legal authority and practical means to enforce the program if nonpoint sources do not voluntarily comply. Louisiana's proposed statutory scheme, detailed in the Draft CNPCP, does not provide such authority, and therefore is not capable of being enforced on the scale necessary for the program to succeed and achieve "widespread implementation of the measures." DNR's inability to issue fines administratively, lack of required regular and frequent inspections by cooperating agencies to insure compliance, and lack of a citizen suit provision ensure that the LCNPCP will be unable to achieve widespread implementation of the measures.

Additionally, although the State cites many already-existing laws as part of the coastal nonpoint program management measures, the State does not sufficiently relate how these authorities would implement the components of each management measure. Most of the existing laws cited do not ensure monitoring of nonpoint sources, do not require use of management measures, and do not contain enforcement mechanisms if management measures are not used. Therefore, to rely on these existing laws to implement and enforce the management measures is not sufficient.

h. Memorandums of Agreement with Other Louisiana Agencies

In the proposed Memorandums of Agreement (MOA) between LDNR and the various agencies of the State of Louisiana, the agencies agree to conduct inspections within the 6217 Program area, and to report noncompliance with Louisiana's CNPCP within three days. Vol. 2 of Draft CNPCP. However, the MOA do not specify how often

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the agencies will conduct inspections. If the agencies do not conduct inspections on a frequent, regular basis, they will not know whether likely sources of coastal nonpoint pollution are complying with the CNPCP's management measures, and the program will be unenforceable. Without a more detailed, more accountable model for ensuring compliance, and enforceability, this plan does not comply with the CZARA.

The Guidance Draft Final says that "[s]tates that choose to demonstrate the ability to ensure widespread implementation of the management measures through voluntary or incentive based programs may be given conditional approval for up to five years." The suggestion in this document that EPA and NOAA will give final approval to a state program that does not "contain enforceable policies and mechanisms" to implement the requirements of the CNPCP required by § 1455b violates § 1455(d)(16) of the CZARA.

4. 6217 Coastal Management Boundary

We support EPA and NOAA's recommended 6217 management area, which encompasses the entire coastal watershed for water bodies draining into Louisiana coastal waters and the land areas reached at high tide. To leave nonpoint pollution sources whose activities as a whole significantly affect coastal water quality unregulated undermines the effectiveness of the CZARA and the LCNPCP, and is contrary to their purpose. If the 6217 management zone is drawn more narrowly than EPA and NOAA recommend, and leaves nonpoint pollution sources whose pollution will drain into coastal waters outside the boundary, then coastal management zone inhabitants will have to carry the burden of pollution reduction alone, while coastal nonpoint pollution sources north of boundary line get a "free ride". Coastal nonpoint source pollution reduction will never be truly effective unless all nonpoint pollution sources affecting coastal waters are included in the zone.

Louisiana's proposed 6217 coastal management zone ignores many significant contributors to coastal nonpoint source pollution, most importantly, sources along rivers, lakes and watersheds north of Louisiana's coastal boundary line which drain into coastal waters. Louisiana states that its boundary is sufficient because it encompasses all coastal waters which have "a measurable quantity or percentage of sea water." This methodology lacks common sense. There are nonpoint pollution sources whose pollution reaches coastal waters where sea water is not found in local fresh water. To use percentage of sea water as a way to draw the 6217 management boundary ignores the fact that nonpoint source pollution will flow over land and water during storms to reach the coast. The water flow carrying nonpoint source pollution from north to south, both over land and through water, and into coastal waters travels much further than sea

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water travels from south to north through water alone.

5. Source-specific Management Measures

There are many gaps in the enforceability of Louisiana's proposed management measures that must be filled before the program complies with the law. CZARA, 16 U.S.C.A. § 1455(d)(16). Time constraints do not permit us to cover them here. However, we agree with and incorporate by reference the more detailed comments submitted by the Lake Ponchartrain Basin Foundation on this program. In addition, we recommend that Louisiana follow EPA and NOAAs suggested management measures in the Final Guidance.

LAKE PONTCHARTRAIN BASIN FOUNDATION

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July 3, 1995

Greg Ducote
Louisiana Department of Natural Resources
Division of Coastal Management
Post Office Box 44487
Baton Rouge, LA 70804-4487

Dear Mr. Ducote,

The Lake Pontchartrain Basin Foundation submits these comments on the proposed Louisiana Coastal Nonpoint Pollution Control Program ("LCNPCP"). These comments are submitted to supplement oral comments made at the June 15 public hearing held on these matters.

I. The Coastal Zone Act Reauthorization Amendments of 1990

On November 5, 1990, Congress enacted the Coastal Zone Act reauthorization Amendments of 1990 ("CZARA"). In doing so, they addressed what they found to be a major concern affecting water quality: the impact of nonpoint source pollution on coastal waters. In section 6202 of CZARA, Congress made findings that coastal planning measures were essential to protect water quality, that not enough was being done to manage and protect coastal resources, and that state management programs under CZARA must play a larger role in improving coastal zone water quality.

In keeping with these findings, Section 6217(b) of CZARA requires that state coastal nonpoint pollution control programs ("state programs") provide for the implementation, at a minimum, of management measures in conformity with published federal guidelines.¹

¹ These Comments will only address the LCNPCP's failure to meet the requirements under § 6217(b). It is bable that the LCNPCP fails to meet the requirements of most, if not all, of the other requirements of CZARA as well.



II. Section 6217(b) of the Coastal Zone Act Reauthorization Amendments of 1990

Section 6217(b) of CZARA requires that state programs "shall provide for the implementation, at a *minimum*, of management measures in conformity with the guidance published under subsection (g) . . ." (emphasis added) CZARA § 6217(b). This requirement is explained in detail in the *Coastal Nonpoint Pollution Control Program: Program Development and Approval Guidance* ("PDAG"), published jointly by the U.S. Environmental Protection Agency (EPA) and the National Oceanic and Atmospheric Administration (NOAA) of the U.S. Department of Commerce. Section III.C. of that document sets forth the requirements which a state program must meet in order to satisfy CZARA § 6217(b). These requirements are as follows:

- 1) Identify nonpoint source categories or subcategories that will be addressed;
- 2) Identify management measures to be implemented for those categories and subcategories; and
- 3) Describe the process by which the state will ensure the implementation of the management measures.

PDAG § III.C.

A. Identifying Nonpoint Source Categories

Section III.C.1. of PDAG specifies that "[f]or program approval, states must provide for the implementation of management measures for each of the nonpoint source categories (e.g., agriculture) and subcategories (e.g., confined animal facilities) identified in the (g) guidance to protect coastal waters generally." (emphases added) PDAG § III.C.1. For the reasons set forth below, the LCNPCP fails to identify each of the nonpoint source categories and subcategories provided for in the (g) guidance, and therefore fails to satisfy the requirements of program approval under § 6217(b).

B. Identifying Management Measures to be Implemented

Section III.C.2. of the PDAG provides that:

For program approval, states must specify the management measures that will be implemented to address each category or subcategory of sources identified through the process in section III.C.1. Section 6217(b) requires state management measures to be in conformity with those specified in the (g) guidance. A state management measure is "in conformity with" those specified in the (g) guidance if it is identical to, or is demonstrated to be as effective as, the (g) guidance measures.

(emphasis added) PDAG § III.C.2. For the reasons set forth below, the LCNPCP fails to specify management measures in conformity with the (g) guidance, and

therefore fails to satisfy the requirements of program approval under § 6217(b).

C. Ensuring Implementation

Section III.C.3. provides that, "[f]or program approval, the state will need to provide detailed information on how it will ensure implementation of the management measures in conformity with the (g) guidance." PDAG § III.C.3. Further, Section 306(d)(16) of the Coastal Zone Management Act ("CZMA"), under which CZARA is promulgated, states that, "[b]efore approving a management program submitted by a coastal state, the Secretary shall find the following: . . . the management program contains enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 6217 of the Coastal Zone Reauthorization Amendments of 1990." (emphases added).

The statute includes a definition of "enforceable policy" in section 304(6a) of the CZMA: "the term 'enforceable policy' means State policies which are *legally binding* through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a State exerts control over private and public land and water and natural resources in the coastal zone." (emphases added). For the reasons set forth below, LCNPCP fails to ensure implementation of management measures through enforceable policies as required by CZARA § 6217(b) and CZMA § 306(d)(16).

In order for LCNPCP to merit approval by the EPA and NOAA, it must comply with the provisions III.C.1., III.C.2., and III.C.3. of the PDAG, as well as minimum management measure guidelines codified under CZARA § 6217(g), and the implementation requirements set forth in CZMA § 306(d). The LCNPCP fails to meet these requirements in a number of areas. These comments will address the LCNPCP's failure to meet these requirements in the areas of agriculture and forestry only.²

III. Agricultural Management Measures

A. Identification of Source Categories and Sub-Categories

² It should be noted that these are the only two sources which have been reviewed for compliance by the commentators for purposes of these comments. It is probable that the remaining sources of nonpoint pollution control addressed by the LCNPCP contain similar deficiencies in compliance with the mandatory federal guidelines.

The (g) guidance identifies agriculture as a source category of nonpoint water pollution. Under this category, the (g) guidance further identifies the following subcategories of nonpoint water pollution: erosion and sediment, confined animal facilities (large unit), confined animal facilities (small unit), pesticide, grazing and irrigation. See Guidance Specifying Management Measures For Sources of Nonpoint Pollution in Coastal Waters ("(g) guidance"), Chapter 2.

The LCNPCP, like the (g) guidance, identifies agriculture as a source category. However, the LCNPCP fails to identify the source subcategories identified by the (g) guidance under agriculture, in violation of § 6217(b), as explained in PDAG § III.C.1. Instead, the LCNPCP specifies subcategories of "sugar cane," "rice," "dairy farms," "beef cattle," "truck produce" and "soybeans." LCNPCP § IVA-4-8.

This identification of subcategories is completely inadequate to satisfy the requirements of § 6217(b). Not only has the LCNPCP failed to identify each of the source subcategories identified in the (g) guidance, the subcategories which it does identify in no way encompass all of the source subcategories of nonpoint pollution found in Louisiana. For instance, while the (g) guidance identifies confined animal facilities, large and small, the LCNPCP identifies only dairy farms and beef cattle. The LCNPCP therefore fails entirely to provide for nonpoint pollution attributable to swine production and poultry farms, both of which exist within the coastal zone of Louisiana. In the area of agriculture, the LCNPCP thus fails to meet the first requirement necessary to gain program approval. In its present condition, the LCNPCP must therefore be denied approval by the EPA and NOAA.

B. Identification of Management Measures to be Implemented

The (g) guidance sets forth seven (7) management measures for the source category of agriculture: Erosion and Sediment Control Measure, Facility Wastewater and Runoff from Confined Animal Facility (Large Unit) Measure, Facility Wastewater and Runoff from Confined Animal Facility (Small Unit) Measure, Nutrient Measure, Pesticide Measure, Grazing Measure, and Irrigation Water Measure. These seven measures represent the minimum management measures which the LCNPCP's management measures must conform to in order to obtain program approval. As stated above, in order to conform with the (g) guidance management measures, the LCNPCP's measures must be identical to, or demonstrated to be as effective as the (g) guidance measures.

Although the LCNPCP proclaims that all seven management measures "will be addressed in Louisiana's program" LCNPCP § IVA-1, it fails to set forth any management measures identical to, or demonstrated to be as effective as those listed above. In fact, the LCNPCP admits its failure to do so when it states, "Louisiana's agriculture community members do not want to draw up a list of 'endorsed BMPS' that would leave out many other good practices that may be highly effective and imminently practical in many situations." LCNPCP § IVA-3. The LCNPCP therefore fails to identify any specific management measures whatsoever under the source category of agriculture. Because the LCNPCP makes no effort to identify management measures in conformity with the (g) guidelines in the area of agriculture, and because it would take an enormous amount of time and space to review each of the seven minimum federal guidelines and compare them to the LCNPCP, these comments will illustrate the LCNPCP's failure to provide minimal guidelines by examining two (2) of the seven guidelines under the source category of agriculture.

1. Agricultural Source: Confined Animal Facilities

Section II.B.1. of the 6217(g) guidance sets forth the following minimum management measure for facility wastewater and runoff from large unit confined animal facilities:

Limit the discharge from the confined animal facility to surface waters by:

- (1) Storing both the facility wastewater and the runoff from confined animal facilities that is caused by storms up to and including a 25-year, 24-hour frequency storm. Storage structures should:
 - (a) Have an earthen lining or plastic membrane lining, or
 - (b) Be constructed with concrete, or
 - (c) Be a storage tank;
- (2) Managing stored runoff and accumulated solids from the facility through an appropriate waste utilization system.

Section 6217(g) II.B.1. This measure constitutes the minimum management measure which can be taken to control the source subcategory of large unit confined animal facilities. The LCNPCP must therefore, at a minimum, provide for the implementation of a management measure identical to, or demonstrated to be as effective as, the measure specified above.

Further, Section II.B.2. of the 6217(g) guidance sets forth the following minimum management measure for facility wastewater and runoff from small unit confined animal facilities:

Design and implement systems that collect solids, reduce contaminant concentrations, and reduce runoff to minimize the discharge of contaminants in both facility wastewater and in runoff that is caused by storms up to an including a 25-year, 24-hour frequency storm. Implement these systems to substantially reduce significant increases in pollutant loadings to ground water.

Manage stored runoff and accumulated solids from the facility through an appropriate waste utilization system.

Section 6217(g) II.B.2. This measure constitutes the minimum management measure which can be taken to control the source subcategory of small unit confined animal facilities. The LCNPCP must therefore, at a minimum, provide for the implementation of management measures identical to, or demonstrated to be as effective as the measures specified above.

The LCNPCP fails to provide for management measures under the subcategory of large unit or small unit confined animal facilities. In fact, as stated above, the LCNPCP fails to even identify large unit and small unit confined animal facilities as subcategories of agricultural sources as required by section 6217(g). Further, the LCNPCP's fails to set forth any required management measure dealing with either of these subcategories, again in violation of 6217(g). Instead, the LCNPCP merely alludes to measures being taken through other programs in connection with dairy farms and beef feedlots.

With regard to dairies, the LCNPCP states, "since 1989, there has been a vigorous, voluntary dairy BMP implementation program . . . involving multiple agencies and organizations. The effort has resulted in the installation of no-discharge lagoons to handle dairy wastes" (emphasis added) LCNPCP IVA-5; and:

LDEQ has been working in close cooperation with many . . . agencies to get dairy wastewater treatment lagoons in place in the largest dairy parish in Louisiana, Tangipahoa. The BMPs that are being installed there match up well with the Confined Animal Wastewater Guidelines in the 6217(g) guidance manual . . . [T]he LDEQ/NPS Program is a nonregulatory program and does not rely on enforceable policies.

LCNPCP IVA-18, 19.

With regard to beef feedlots, although the LCNPCP states that, "[b]eef cattle are raised all over Louisiana in small cow/calf herds, and in Southwest Louisiana in lower density open range conditions" LCNPCP IVA-7, it specifies

no management measure whatsoever for dealing with beef feedlots. Finally, as to stables, layers, turkeys and swine, the LCNPCP is completely silent.

This is the extent of the LCNPCP's implementation of the minimum management measures for large and small unit confined animal facilities specified by the EPA and NOAA. It is blatantly insufficient. There is no identification of the specific subcategories as required, and there are no management measures specified. In the area of agriculture, the LCNPCP thus fails to meet the second requirement necessary to gain program approval. In its present condition, the LCNPCP must therefore be denied approval by the EPA and NOAA.

C. Ensuring Implementation of Minimum Management Measures

As stated above, for program approval, the LCNPCP is required to provide detailed information on how it will ensure implementation of the management measures in conformity with the (g) guidance. PDAG § III.C.3. Before approving a management program submitted by a coastal state, it must be found that the management program contains enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 6217 of the Coastal Zone Reauthorization Amendments of 1990. CZMA § 306(d)(16). The term "enforceable policy" means State policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a State exerts control over private and public land and water and natural resources in the coastal zone. CZMA § 304(6a).

The LCNPCP must therefore contain "enforceable policies," for agricultural management measures, and must provide detailed information on how these enforceable policies will ensure implementation of minimum management measures. The LCNPCP fails to meet these requirements in the area of agriculture. It does not contain enforceable policies, and does not provide detailed information regarding implementation. First, the required source subcategories are not identified as required. Second, the seven minimum management measures are not identified or conformed with. Because the subcategories are unidentified, and the minimum management measures are not conformed with, it is impossible for the LCNPCP to set enforceable policies and ensure implementation in any way.

Further, even if these insufficiencies are ignored, the LCNPCP still fails at setting forth enforceable policies and ensuring implementation.

Instead, the LCNPCP lists regulatory and nonregulatory programs which are in some way "matched" with the federal management measures. LCNPCP § IVA-27-30. No explanation is given for how these programs match up with, or implement the seven minimum management measures. Additionally, the LCNPCP provides a series of enforceable policies and mechanisms tables where the (g) guidance management measures are matched with citations of Louisiana and federal statutes. LCNPCP § IVA-Attachment. Again, no explanation is given for how the cited laws provide enforceable policies for implementation of the federal minimum management measures which are, of themselves, not identified and implemented in the LCNPCP.³

Further, in numerous places the LCNPCP admits that its management measures are unenforceable. Going back to the example of confined animal facilities utilized above and dealt with by the LCNPCP under "dairy farms," the LCNPCP states, "The LDEQ/NPS Program is a nonregulatory program and does not rely on enforceable policies." (emphasis added) LCNPCP § IVA-19.

It is therefore clear that the LCNPCP has not provided detailed information on how it will ensure implementation of the federal minimum management measures, as required by § 6217(b), and has not provided "enforceable policies" as defined in and required by CZMA §§ 304(6a) and 306(d)(16). In the area of agriculture, the LCNPCP thus fails to meet the third requirement necessary to gain program approval. In its present condition, the LCNPCP must therefore be denied approval by the EPA and NOAA.

IV. Forestry Management Measures

A. Identification of Source Categories and Sub-Categories

The (g) guidance identifies forestry, or "silviculture," as a source category of nonpoint water pollution. Under this category, the (g) guidance further identifies the following subcategories of nonpoint water pollution: road construction, road management, timber harvesting, fire and chemicals. See *Guidance Specifying Management Measures For Sources of Nonpoint Pollution in Coastal Waters* ("(g) guidance"), Chapter 3.

³ A careful review of the cited authority, i.e., regulatory programs which supposedly constitute enforceable policies for implementing minimum management measures shows that the cited programs add no element of enforceability whatsoever. The DEQ's 402 oversight program applies only to point source discharges. The Louisiana Natural and Sc Rivers System permitting program mentions none of the applicable agricultural management measures, and does not cover the entire coastal zone. Most conspicuous among the cited regulatory programs, the LDNR Coastal Use Permit Program exempts leveed fastlands and agricultural activities carried out in areas traditionally used for agriculture. Finally, the LDAF Pesticide Law and Applicator Certification Program merely requires that pesticide applicators be certified before applying pesticides, and does not mention the (g) guidance pesticide minimum management measure. The remaining three (3) programs cited are federal, and do not constitute State policies.

The LCNPCP, like the (g) guidance, identifies forestry as a source category. Further, unlike the section on agriculture, the LCNPCP does, in fact, identify the source subcategories of nonpoint water pollution identified in the (g) guidance.

B. Identification of Management Measures to be Implemented

The (g) guidance sets forth ten (10) management measures for the source category of forestry: Preharvest Planning Measure, Streamside Management Area Measure, Road Construction/Reconstruction Measure, Road Management Measure, Timber Harvesting Measure, Site Preparation and Forest Regeneration Measure, Fire Management Measure, Revegetation of Disturbed Areas Measure, Forest Chemical Measure and Wetlands Forest Measure. These ten measures represent the minimum management measures which the LCNPCP's management measures must conform to in order to obtain program approval. As stated above, in order to conform with the (g) guidance management measures, the LCNPCP's measures must be identical to, or demonstrated to be as effective as the (g) guidance measures.

At first glance, the LCNPCP seems to adopt each of these management measures in their entirety. This is, however, not the case. In reality, the LCNPCP only identifies the (g) guidance management measures as being the federal guidelines. It does not identify these management measures as measures to be implemented, but merely compares them to the existing Louisiana Recommended Best Management Practices Program ("LRBMP"), in an attempt to gain program approval.⁴ The LRBMP, developed by the timber industry through the Louisiana Forestry Association ("LFA"), is advisory only. This is clear from the language of each of the BMPs themselves, as seen in the many examples cited below. Additionally, the forward of the LRBMP states, "[these] BMPs do not, nor are they intended to, carry the force of the law." LRBMP Forward, ii.

Because the LCNPCP identifies each component of each (g) guidance management measures, these comments will address each of the individual components in order to illustrate that none of the (g) guidance management measures or their components are conformed with by the LCNPCP.

1. Preharvest Planning

⁴ Although the LCNPCP states that the full text of the LRBMP is included as an attachment, no such document was included in the copies of the program which were made available to the public.

This management measure identified by the (g) guidance is broken down into eleven (11) components. The LCNPCP states that, "[p]reharvest planning is not included as a separate management measure in LRBMP. Instead it is broadly covered by management practices included in other management sections." (emphasis added) LCNPCP IVB-25. The (g) guidance preharvest planning management measure is therefore not conformed with via an identical measure in the LCNPCP. The LCNPCP goes on to review the eleven components of this measure, comparing each to sections of the LRBMP. For none of the eleven components does the LCNPCP prove, or even to attempt to prove conformity through nonidentical components which are nevertheless demonstrated to be as effective as the (g) measure components. However, because the LCNPCP identifies each of the components, these comments will review each in order to show complete non-conformance with the (g) measure:

a. Component 1. - Harvest Area Identification

The first five components fall under the category of performing advance planning for forest harvesting, and includes all five components, or any combination thereof where appropriate.

The first component of the preharvest planning management measure states, "[i]dentify the area to be harvested including location of water bodies and sensitive areas such as wetlands and threatened and endangered species habitat areas, within the harvest unit." To this component, the LCNPCP responds, "No specific BMPs have been developed to satisfy this management component . . ." LCNPCP § IVB-25. The LCNPCP therefore does not comply with this component.

b. Component 2. - Harvest Timing

The second component of the preharvest planning management measure states, "[t]ime the activity for the season when the least impact occurs." The LCNPCP addresses this component by quoting the preamble of the LRBMP, which states, "harvesting operations should be planned and conducted to minimize soil compaction, erosion, and sedimentation." LCNPCP § IVB-26. This vague recommendation is completely inadequate to conform with and implement the subject management component.

c. Component 3. - Water Quality Impact Considerations

The third component of the preharvest planning management measure states, "[c]onsider potential water quality impacts and erosion and sedimentation control in the selection of silvicultural and regeneration systems, especially for harvesting and site preparation." The LCNPCP

addresses this component by quoting LRBMP, Section IV., Reforestation, which gives general, recommended guidelines for site preparation. Nowhere in the cited LRBMP section is there any language referring to a consideration of water quality impacts in the selection of harvest sites. The LCNPCP therefore fails implement a measure in conformity with this component.

d. Component 4. - Risk Reduction

The fourth component of the preharvest planning management measure states, "[r]educe the risk of severe erosion by identifying high-erosion-hazard areas and avoiding harvesting in such areas to the extent possible." The LCNPCP addresses this component by quoting portions of the LRBMP which provide, "minimize the number of skid trails on steep slopes"; and, "use operations that minimize soil disturbance on highly erodible soils." LCNPCP § IVB-27. This advisory language fails to address the requirement of identifying and avoiding high erosion hazard areas, and therefore fails to implement or conform to the subject management component.

e. Component 5. - Additional Contributions to Water Quality

The fifth component of the preharvest planning management measure states, "[c]onsider additional contributions from harvesting or roads to any known existing water quality impairments or problems in watersheds of concern." The LCNPCP addresses this component with a single quote from the LRBMP: "Where feasible, locate roads on the contour and at a distance sufficient to minimize the impact to streams." LCNPCP § IVB-27. This quote fails to require consideration of additional contributions to water quality, fails to mention contributions related to harvesting, and thus fails to implement or conform to the subject component.

f. Component 6. - Road System Location

The second five components fall under the category of performing advance planning for forest road systems, and includes all five components, or any combination thereof where appropriate.

The sixth component of the preharvest planning management measure states:

Locate and design road systems to minimize, to the extent practicable, potential sediment generation and delivery to surface waters. Key components are:

- locate roads, landings, and skid trails to avoid to the extent practicable steep grades and steep hillslope areas, and to decrease the number of stream crossings;

- avoid to the extent practicable locating new roads and landings in Streamside Management Areas (SMAs); and
- determine road usage and select the appropriate road standard.

The LCNPCP addresses this component through several sections of the LRBMP. Although the sections state generally the same concepts as the component, the cited sections are purely advisory, and make no attempt to implement the recommendations together as a management measure component. The LCNPCP thus fails to implement the subject component.

g. Component 7. - Location of Stream Crossings

The seventh component of the preharvest planning management measure states:

Locate and design temporary and permanent stream crossings to prevent failure and control impacts from the road system. Key components are:

- size and site crossing structures to prevent failure;
- for fishbearing streams, design crossings to facilitate fish passage.

The LCNPCP addresses this component, again, through several non-related sections of the LRBMP. Conspicuously absent in the cited sections is the total absence of any mention of designing stream crossings to facilitate fish passage. The sections are, again, purely advisory in nature. The LCNPCP therefore fails to implement or conform to the subject management component.

h. Component 8. - Ensure Appropriate Road Design

The eighth component of the preharvest planning management measure states, "[e]nsure the design of road prism and the road surface drainage are appropriate to the terrain and that road surface design is consistent with the road drainage structures." The LCNPCP addresses this component by quoting Section II., Permanent Access Roads and Their Construction, from the LRBMP. While this section addresses the subject of the component, the section is completely advisory, and makes no attempt to implement a minimum management measure. The LCNPCP therefore fails to implement the subject component.

i. Component 9. - Suitable Road Materials

The ninth component of the preharvest planning management measure states, "[u]se suitable materials to surface roads planned for all weather use to support truck traffic." The LCNPCP addresses this component by quoting a single sentence from the LRBMP: "Construct a road sufficient to carry the anticipated traffic load with reasonable and with minimum environmental impact." LCNPCP § IVB-30. This section fails to specify or even mention

suitable materials for road construction, and thus misses the point of the component all together. Further, the LRBMP language is hopelessly vague and confusing in its recommendation to construct roads with "reasonable" and "minimum" environmental impact. The LCNPCP therefore fails to implement or conform to the subject component.

j. Component 10. - Design of Road Systems

The tenth component of the preharvest planning management measure states, "[d]esign road systems to avoid high erosion areas." The LCNPCP addresses this component by citing LRBMP sections which advise similar design of road systems, but only "if possible" and "where feasible." LCNPCP § IVB-30. The LCNPCP therefore fails to implement or conform with the subject component.

k. Component 11.

The eleventh component of the preharvest planning management pertains to ensuring implementation and enforceability of the previous ten management measure components, and will be dealt with infra, in the section dealing with the enforceability of management measures in general.

2. Preharvest Planning

This management measure identified by the (g) guidance states:

Establish and maintain a streamside management area along surface waters, which is sufficiently wide and which includes a number of canopy species to buffer against detrimental changes in the temperature regimes of the water body, to provide bank stability, and to withstand wind damage: Manage the SMA in such a way as to protect against soil disturbance in the SMA and delivery to the stream of sediments and nutrients generated by forestry activities, including harvesting. Manage the SMA canopy species to provide a sustainable source of large woody debris needed for instream channel structure and aquatic species habitat.

The LCNPCP addresses this measure by reference to numerous LRBMP sections. However, there are no BMPs specifically identified with regard to canopy species in SMAs, only a narrative of existing practices. Further, the LRBMP sections which are cited are advisory only. The LCNPCP thus fails to conform with or implement this management measure.

3. Road Construction/Reconstruction

This management measure identified in the (g) guidance states:

- (1) Follow preharvest planning (as described under Management Measure A) when constructing or reconstructing the roadway.
- (2) Follow designs planned under Management Measure A for road surfacing and shaping.

- (3) Install road drainage structures according to designs planned under Management Measure A and regional storm return period and installation specifications. Match these drainage structures with terrain features and with road surface and prism designs.
- (4) Guard against the production of sediment when installing stream crossings.
- (5) Protect surface waters from slash and debris material from roadway clearing.
- (6) Use straw bales, silt fences, mulching, or other favorable practices on disturbed soils on unstable cuts, fills, etc.
- (7) Avoid constructing new roads in SMAs to the extent practicable.

First, it should be noted that, due to the fact that the LCNPCP does not conform to or implement Management Measure A, it is impossible for it to conform to or implement the first three (3) components of the instant management measure. For the remaining three (3) components, the LCNPCP cites to numerous sections from the LRBMP, which are, again, only advisory. The LCNPCP therefore fails to conform with or implement the subject management measure.

4. Road Management

This management measure identified by the (g) guidance is broken down into seven (7) components. The LCNPCP identifies each of the components and these comments will review each in order to show complete non-conformance with the (g) measure:

a. Component 1. - Using Roads During Wet Periods

The first component of the road management measure states, "[a]void using roads where possible for timber hauling or heavy traffic during wet or thaw periods on roads not designed and constructed for these conditions." The LCNPCP addresses this component through a section of the LRBMP, which states, "restrict traffic during periods of excessive ground moisture if such restriction is practical." LCNPCP § IVB-38. While this language conform with the component, it is completely advisory and nature, and therefore is insufficient to constitute implementation. The LCNPCP therefore fails to conform with and implement the subject component.

b. Component 2. - Road Need Evaluation

The second component of the road management measure states, "[e]valuate the future need for a road and close roads that will not be needed. Leave closed roads and drainage channels in a stable condition to withstand storms."

The LCNPCP addresses this component by citing to several LRBMP sections. Amazingly, none of the cited sections makes any reference to evaluating road use and closing unneeded roads. The LCNPCP therefore fails to conform with and implement this management measure component.

c. Component 3. - Removal of Drainage Crossings

The third component of the road management measure states, "[r]emove drainage crossings and culverts if there is a reasonable risk of plugging or failure from lack of maintenance." The LCNPCP addresses this component by citing several sections of the LRBMP. Although these sections recommend removal of temporary crossings, there is no mention of permanent crossings, or any consideration of whether the crossing has a reasonable risk of plugging or failure. The LCNPCP therefore fails to conform with or implement the subject component.

d. Component 4. - Closing Temporary Spur Roads

The fourth component of the road management measure states, "[f]ollowing completion of harvesting, close and stabilize temporary spur roads and seasonal roads to control and direct water away from the roadway. Remove all temporary stream crossings." The LCNPCP addresses this component by again citing to several sections of the LRBMP. Only one of the cited sections even mentions temporary roads, providing, "upon completion of the operation, temporary roads, skid trails, and landings should be conditioned to minimize erosion." LCNPCP § IVB-39. This section, which does not even address the closure of temporary roads, is insufficient to conform with the (g) measure component. The LCNPCP therefore fails to conform with or implement the subject component.

e. Component 5. - Road Inspections

The fifth component of the road management measure deals with road inspection and maintenance. The LCNPCP again cites to LRBMP language to satisfy the component. Although the language of the cited sections is unusually close to satisfying the component, it is only advisory in nature, and thus fails to implement the cited sections together as a management measure component. The LCNPCP therefore fails to implement the subject component.

f. Component 6. - Maintenance Activities

The sixth component of the road management measure states, "[c]onduct maintenance activities, such as dust abatement, so that chemical contaminants or pollutants are not introduced into surface waters to the extent

practicable." The LRBMP sections cited by the LCNPCP to satisfy this component are completely off point, and do not address the substance of the component at all. No mention is made of performing maintenance activities so as to avoid the introduction of pollutants into surface waters. See LCNPCP § IVB-40. The LCNPCP therefore fails to conform with or implement the subject component.

g. Component 7. - Proper Maintenance of Stream Crossings

The seventh component of the road management measure states, "[p]roperly maintain permanent stream crossings and associated fills and approaches to reduce the likelihood (a) that stream overflow will divert onto roads, and (b) that fill erosion will occur if the drainage structures become obstructed." The LCNPCP's cites to the LRBMP which attempt to satisfy this component come close to satisfying the component. However, because the LRBMP is only advisory in nature, and it fails to implement the cited sections together as a management measure component. The LCNPCP therefore fails to implement the subject component.

5. Timber Harvesting

This management measure identified by the (g) guidance is broken down into ten (10) components. The LCNPCP identifies each of the components and these comments will review each in order to show complete non-conformance with the (g) measure:

a. Component 1. - Layouts

The first component of the timber harvesting measure states, "[t]imber harvesting operations with skid trails or cable yarding follow layouts determined under MM (A)." Addressing this component, the LCNPCP states, "specific BMPs to satisfy this management measure component have not been developed but rather planning before any forest management practice is recommended." (emphasis added) LCNPCP § IVB-42. The LCNPCP, on its face, therefore fails to conform with or implement the subject component.

b. Component 2. - Landing Drainage Structures

The second component of the timber harvesting management measure states, "[i]nstall landing drainage structures to avoid sedimentation to the extent practicable. Disperse landing drainage over sideslopes." The LRBMP section cited to address this component makes absolutely no mention of installing landing drainage structures. See LCNPCP § IVB-42. The LCNPCP therefore fails to conform with or implement the subject component.

c. Component 3. - Landing Location

The third component of the timber harvesting management measure states, "[c]onstruct landings away from steep slopes and reduce the likelihood of fill slope failures. Protect landing surfaces used during wet periods. Locate landings outside of SMAs." The LRBMP section cited to address this component makes no mention of protecting landing surfaces during wet periods, or locating landings outside of SMAs. See LCNPCP § IVB-42, 43. Additionally, the LCNPCP cites to "common logging practices" in an attempt to satisfy the component. See LCNPCP § IVB-42. The LCNPCP therefore utterly fails to conform with or implement the subject component.

d. Component 4. - Protection of Stream Channels

The fourth component of the timber harvesting management measure states, "[p]rotect stream channels and significant ephemeral drainages from logging debris and slash material." The LCNPCP addresses this component by citing to several LRBMP sections. These sections come close to satisfying the component, but, because the LRBMP is only advisory in nature, and the sections are not implemented together as a management measure component, the LCNPCP fails to implement the subject component.

e. Component 5. - Petroleum Use

The fifth component of the timber harvesting management measure states, "[u]se appropriate areas for petroleum storage, drainage, dispensing. Establish procedures to contain and treat spills. Recycle or properly dispose of all waste materials." The LCNPCP addresses this component by citing to several LRBMP sections. These sections come close to satisfying the component, but, because the LRBMP is only advisory in nature, and the sections are not implemented together as a management measure component, the LCNPCP fails to implement the subject component. Additionally the language of one cited section in particular, which states, "all trash . . . should be disposed in an acceptable manner." LCNPCP § IVB-43, is entirely too vague to be in conformance with the (g) measure component. The LCNPCP therefore fails to conform with or implement the subject component.

f. Component 6. and 7.

The sixth and seventh components of the timber harvesting management measure, which concern timber harvesting via cable yarding, are left out completely by the LCNPCP. The LCNPCP therefore fails to conform with and implement these two components. Further, the total absence of these two

components (comprising 1/5 of the entire measure) from the LCNPCP arguably shows non-conformance with the timber harvesting measure as a whole.

g. Component 8. and 9. - For Groundskidding

The eighth and ninth components of the timber harvesting measure relate to groundskidding operations at stream crossings and within SMAs. The LCNPCP addresses these components through numerous LRBMP sections. These sections come close to satisfying the component, but, because the LRBMP is only advisory in nature, and the sections are not implemented together as a management measure component, the LCNPCP fails to implement the subject component.

h. Component 10. - Use of Cable Systems

The tenth component of the timber harvesting measure states, "on steep slopes, use cable systems rather than groundskidding where groundskidding may cause excessive sedimentation." The LCNPCP leaves this component out completely. The LCNPCP therefore fails to conform with and implement these two components. Further, the total absence of this component, coupled with the absence of components 6 and 7, arguably shows non-conformance with the timber harvesting measure as a whole.

6. Site Preparation and Forest Regeneration

This management measure identified by the (g) guidance is broken down into eight (8) components. The LCNPCP identifies each of the components and addresses each by citing to language in the LRBMP. The cited sections come close to satisfying the eight components, but, because the LRBMP is only advisory in nature, and the sections are not implemented together as a management measure component, the LCNPCP fails to implement the subject measure. See LCNPCP § IVB-45-48.

7. Fire Management

This management measure identified by the (g) guidance is broken down into four (4) components. The LCNPCP identifies each of the components and these comments will review each in order to show complete non-conformance with the (g) measure:

a. Component 1. - Intense Prescribed Fires

The first component of the fire management measure states:

Intense prescribed fire should not cause excessive sedimentation due to the combined effect of removal of canopy species and the loss of soil-binding ability of subcanopy and herbaceous vegetation roots, especially in SMAs, in streamside vegetation for small ephemeral drainages, or on very steep slopes.

In regards to this component, the LCNPCP states, "[t]here is *no specific BMP developed to satisfy this management component.*" (emphasis added) LCNPCP § IVB-48. The LCNPCP therefore fails to conform with or implement the subject component.

b. Component 2. - Prescriptions

The second component of the fire management measure states, "[p]rescriptions for prescribed fire should protect against excessive erosion or sedimentation to the extent practicable." The LRBMP language which the LCNPCP uses to satisfy this component merely states, "[f]irebreaks on erodible steeper grades should contain waterbars or diversions at frequent intervals. Discharge water into undisturbed vegetation outside the burn, when possible." LCNPCP § IVB-49. This section, which fails to address excessive erosion and sedimentation on anything but steeper grades, is clearly insufficient to conform with the subject component. The LCNPCP therefore fails to conform with or implement the subject component.

c. Component 3. - Bladed Firelines

The third component of the fire management measure states, "[a]ll bladed firelines, for prescribed fire and wildfire, should be plowed on contour or stabilized with water bars and/or other appropriate techniques if needed to control excessive sedimentation or erosion of the fireline." The LRBMP sections cited by the LCNPCP to satisfy this component again address only sedimentation and/or erosion on steeper slopes. See LCNPCP § IVB-49. The LCNPCP therefore fails to conform with or implement the subject component.

d. Component 4. - Wildfire Suppression

The fourth component of the fire management measure states, "[w]ildfire suppression and rehabilitation should consider possible NPS pollution of watercourses, while recognizing the safety and operational priorities of fighting wildfires." The LCNPCP addresses this component by citing to a section of the LRBMP, which states, "[f]irebreaks on erodible steeper grades should contain waterbars or diversions at frequent intervals. Discharge water into undisturbed vegetation outside the burn, when possible." LCNPCP § IVB-49.

Wildfire suppression is unmentioned in this section, as well as any consideration of NPS pollution of watercourses. The LCNPCP therefore fails to conform with or implement the subject component.

8. Revegetation of Disturbed Areas

The purpose of this measure is to reduce erosion and sedimentation by rapid revegetation of areas disturbed by harvesting operations or road

construction. It is broken down into three (3) components. The LCNPCP identifies each of the components and these comments will review each in order to show complete non-conformance with the (g) measure:

a. Component 1. - Time For Revegetation

The first component of the revegetation measure states, "[r]evegetate disturbed areas (using seeding or planting) promptly after completion of the earth moving activity. Local growing conditions will dictate the timing for establishment of vegetative cover." The LCNPCP addresses this component by citing to several LRBMP sections. However, the only section of those cited which refers in any way to the time for revegetation relates to reforestation by landowners, not by foresters. See LCNPCP § IVB-50. The LCNPCP therefore fails to conform with or implement the subject component.

b. Component 2. - Species Used for Reforestation

The second component of the revegetation measure states, "[u]se mixes of species and treatments developed and tailored for successful vegetation establishment for the region or area." The LCNPCP addresses this measure solely by referring to its appendix for recommendations of seed mixture types and sowing rates. See LCNPCP § IVB-50. Unfortunately, no appendix of this type was included with copies of the program made available to the public. Therefore, based on an absence of the referred to appendix in the program, the LCNPCP fails to conform with or implement the subject component.

c. Component 3. - Priority Revegetation

The third component of the revegetation measure states, "[c]oncentrate revegetation efforts initially in priority areas such as disturbed areas in SMAs or the steepest areas of disturbance near drainages." The LCNPCP addresses this component by quoting a LRBMP section which, again, applies only to landowners, and not foresters. See LCNPCP § IVB-50.

9. Forest Chemical Management

The purpose of this management measure is to reduce nonpoint source pollution impacts due to the movement of forest chemicals off-site during and after application. It is broken down into five (5) components. The LCNPCP identifies each of the components and these comments will review each in order to show complete non-conformance with the (g) measure:

a. Component 1. - Surface Waters Considerations

The first component of the forest chemical management measure states, "[c]onduct applications by skilled and, where required, licensed applicators

according to the registered use, with special consideration given to impacts to nearby surface waters." To address this component, the LCNPCP cites to the *Louisiana Advisory Commission on Pesticides, Rules and Regulations*. However, after doing so, the LCNPCP admits that, "[s]urface waters are not specifically identified for special treatment in these regulations." LCNPCP § IVB-52. Because the LCNPCP fails to give special consideration to impacts on surface waters, it fails to conform with or implement the subject component.

b. Component 2., 3. and 4.

The second third and fourth components of the forest chemical management measure to type and amount of pesticides, inspection of the mixing and loading process, and establishment of buffer areas, respectively. The LCNPCP fails to set forth any BMPs addressing these components, instead referring only generally to pesticide labeling information. See LCNPCP § IVB-53. The LCNPCP therefore fails to conform with or implement the subject components.

c. Component 5. - Spill Reporting

The fifth component of the forest chemical management measure states, "[i]mmediately report accidental spills of pesticides or fertilizers into surface waters to the appropriate state agency. Develop an effective spill contingency plan to contain spills." The LCNPCP addresses this component by citing to the *Louisiana Environmental Quality Act and Regulations*, which sets forth reporting requirements for spills. However, no attempt is made to develop an effective spill contingency plan, and the reporting requirements under the LAC allow non-reporting for spills under one (1) pound liquid weight and under four (4) pounds dry weight, regardless of whether the spill is into surface waters. For these reasons the LCNPCP fails to conform with or implement the subject component.

10. Wetlands Forest

The final management measure for the source category of forestry states, "[p]lan, operate, and manage normal, ongoing forestry activities (including harvesting, road design and construction, site preparation and regeneration, and chemical management) to adequately protect the aquatic functions of forested wetlands." The LCNPCP again cites to various LRBMP sections to address this measure, and again, these sections, advisory in nature, and not implemented together, are insufficient to conform to the (g) measure. Further, the LCNPCP states that, under the *Louisiana State and Local Coastal Resources Management Act Regulations* (specifically the Coastal Use Permit Program), "[l]ogging of wetlands forest would be exempt from those regulations

if carried out on lands consistently used in the past for logging." (emphasis added) LCNPCP § IVB-54. The LCNPCP therefore fails to conform with or implement the subject management measure.

C. Ensuring Implementation of Minimum Management Measures

As already stated, for program approval, the LCNPCP is required to provide detailed information on how it will ensure implementation of the management measures in conformity with the (g) guidance. PDAG § III.C.3. Before approving a management program submitted by a coastal state, it must be found that the management program contains enforceable policies and mechanisms to implement the applicable requirements of the Coastal Nonpoint Pollution Control Program of the State required by section 6217 of the Coastal Zone Reauthorization Amendments of 1990. CZMA § 306(d)(16). The term "enforceable policy" means State policies which are legally binding through constitutional provisions, laws, regulations, land use plans, ordinances, or judicial or administrative decisions, by which a State exerts control over private and public land and water and natural resources in the coastal zone. CZMA § 304(6a).

The LCNPCP must therefore contain "enforceable policies," on the State level, for silvicultural management measures, and must provide detailed information on how these enforceable policies will ensure implementation of minimum management measures. The LCNPCP fails to meet these requirements in the area of forestry. It does not contain enforceable policies, and does not provide detailed information regarding implementation.

Instead, the LCNPCP relies heavily on the LRBMP to implement and enforce the minimum required management measures. The LRBMP, developed by the timber industry through the Louisiana Forestry Association, is advisory only. This is clear from the language of each of the BMPs themselves, seen in the many examples cited above. Additionally, the forward of the LRBMP states, "[these] BMPs do not, nor are they intended to, carry the force of the law." LRBMP Forward, ii. The LRBMP is thus completely inadequate to satisfy the enforceable policy requirement set forth in CZMA § 304(d)(16).

Further, the fact that the BMPs are only recommended, and do not carry any force of law, calls into question the compliance surveys which the LCNPCP set out to support the LRBMP. The LCNPCP states that, in the fall of 1991, "[i]t was found that Louisiana had a BMP implementation of 51 percent during forestry operations. LCNPCP § IVB-21. While this figure may be accurate, the

LCNPCP goes on to state that a second compliance survey, taken in 1994 (less than a year before Louisiana is required to submit its coastal nonpoint program), found that, "a BMP compliance rate statewide of 80 percent." LCNPCP § IVB-21. A 29 percent increase in the space of three years is suspicious, especially in light of the July, 1995 deadline for submitting the nonpoint program.

Moreover, there is a valid question of how "compliance" is defined by the LCNPCP. Since the LRBMP are recommended, and not mandatory, does compliance mean that the recommended BMPs are in fact being practiced, or that the surveyed operations had consulted the LRBMP before deciding not to follow its recommendations? In answering these questions, it would be helpful to consult the 1991 and 1994 surveys themselves. However, although the LCNPCP states that copies of the surveys are included as attachments, no such surveys were included in the copies of the program which were made available to the public.

Besides the LRBMP, the LCNPCP points to several regulatory programs in an attempt to satisfy the enforceable policy requirement. However, two of the four programs included, the *Endangered Species Act*, and the *U.S. Army Corps of Engineers 404 Permit Program*, represent federal policies, not State policies.

They are therefore insufficient to satisfy the requirements of CZMA § 304(d)(16), which defines enforceable policies as "legally binding, State policies."

The third program referenced by the LCNPCP is the *Louisiana Natural and Scenic River System Permit Program*. While this program does represent a State policy, its restrictions are very narrow, and do not come close to adding an enforceable mechanism to the majority of the (g) minimum management measures.

In fact, the LCNPCP admits that the program applies only to, "portions of Management Measures A., C., E., and J." LCNPCP § IVB-10. Further, the scenic rivers program encompasses only a small portion of the area included within the coastal zone boundary, comprised of nine rivers. See LCNPCP § IVB-9. The scenic river program is therefore inadequate to satisfy CZMA § 304(d)(16).

Finally, the LCNPCP cites to the *Coastal Use Permit Program* ("CUPP"). As stated above, this program exempts forestry operations on lands consistently used in the past for forestry. This fact alone makes the CUPP program insufficient to satisfy the enforceable policy requirement. It is therefore clear that the LCNPCP has not provided detailed information on how

it will ensure implementation of the federal minimum management measures, as required by § 6217(b), and has not provided "enforceable policies" as defined in and required by CZMA §§ 304(6a), 306 (d)(16). In the area of forestry, the LCNPCP thus fails to meet the third requirement necessary to gain program approval. In its present condition, the LCNPCP must therefore be denied approval by the EPA and NOAA.

V. Recommendations

Thus far the exclusive purpose and effect of these comments has been to illustrate exactly how the LCNPCP fails to meet the minimum requirements of CZMA and CZARA in a number of areas. While in other circumstances it may be helpful at this point to recommend or suggest alternative or additional constructions of the program which would, in fact, comply with federal law, it should not be necessary in this case. The EPA guidance promulgated under CZARA § 6217(g), which sets forth each of the required minimum management measures, also sets forth numerous recommended BMPs and enforcement measures designed to meet these requirements. A State can choose from among these recommended practices according to site specific, or regional variability, affecting economic and other considerations. In fact, the (g) guidance devotes over 700 pages to recommending practices which will comply with CZARA § 6217.

The LCNPCP however, seems to have paid little attention to this very helpful guidance. The program, it seems, does little to develop or implement any new practices or measures under the CZARA guidelines. Instead, the LCNPCP attempts to satisfy CZARA by referencing its existing programs only. This leads one to the impression that the LCNPCP is not a good faith attempt to develop a coastal nonpoint program in compliance with federal law, and for the betterment of the states coastal resources, but is instead an attempt to get out of complying with federal law enacted to preserve coastal resources.

Under these circumstances, the best recommendation which can be made in regards to the LCNPCP is to go back and review the more than 700 pages of recommended practices developed in the (g) guidance, and develop Louisiana's program utilizing those recommendations.

Thank you for this opportunity to comment.

For the Lake and Basin

A handwritten signature in black ink, appearing to read "N. A. Armingeon". The signature is stylized with a long horizontal line extending to the right.

Neil A. Armingeon
Environmental Director

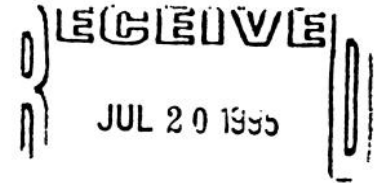


Coalition to Restore Coastal Louisiana

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July 13, 1995

Mr. Terry Howey
Coastal Management Division
Department of Natural Resources
Baton Rouge, Louisiana 70804-4487



COASTAL MANAGEMENT DIVISION

Dear Mr. Howey:

We recognize the tremendous effort that has gone into the development of the DNR Coastal Nonpoint Pollution Control draft document, and commend you and your staff on the work you have done. While reading through the document, and concurrently, beginning to investigate the DEQ documents on nonpoint pollution and water quality impairment, we became concerned about two major issues. One major issue is that the information contained in the DEQ Water Quality Inventory documents, (Volume 6, Part A Nonpoint Source Pollution, and Part B Water Quality Inventory) is not reflected in the DNR Coastal Nonpoint Pollution Control draft plan. The second major issue is that the reasoning to limit the DNR Coastal Nonpoint Pollution Control boundaries appears to be the primary focus of the draft document, instead of acknowledging and reacting to the concrete evidence of serious water quality impairment in the coastal zone.

Concerning the first issue, the overwhelming reason for water body impairment or for risk of impairment is nonpoint pollution. This is evident in the DEQ water quality segments that are within the Coastal Nonpoint Pollution Control proposed boundary area. Specifically, in the Atchafalaya basin water quality segments that are in the coastal zone, 10 of the 14 listed individual sources of pollutants causing water body impairment are nonpoint. In the Barataria basin 14 of the 19 sources of water body impairment in coastal zone segments are nonpoint. Nonpoint sources are the predominant pollution sources listed in coastal zone water quality segments in the Calcasieu, 6 of 9; Pontchartrain, 26 of 31; Mermentau, 9 of 11; Vermilion-Teche, 11 of 13; Sabine, 3 of 3; and Terrebonne, 12 of 13. Nonpoint pollution impairment is as prominent or more prominent in the DEQ water quality segments immediately outside of the DNR proposed boundary. This may indicate that the nonpoint pollution sources in those segments will add to the impacts in the proposed coastal zone boundaries.

The DEQ Regional Offices use subjective and quantitative factors to list the sources and causes of water quality impairment by segment throughout Louisiana. These ratings are updated on a three year basis. There is a large subjective element to the ratings. However, the ratings and the quantitative measurements that help in rating, are taken by regional field personnel who have strong familiarity with these areas. Therefore they are the best data we have to go on. The DNR Coastal Nonpoint Pollution Control plan should directly reflect the data from DEQ.



The data from DEQ does not indicate that forestry or agriculture should be exempt from the DNR Coastal Nonpoint Pollution Control requirements. In the Pontchartrain basin several DEQ water quality segments are impacted by silviculture and forest management in the DNR proposed boundary area. Impairment from agriculture through non-irrigated crop production, irrigated crop production, and aquaculture is pervasive throughout the state's entire coastal area. Animal holding areas, feedlots, and manure lagoons are nonpoint pollution sources in the Pontchartrain Basin draft boundary area.

The nonpoint pollution data from DEQ should be highlighted in the DNR Coastal Nonpoint Pollution Control plan. Additionally, review of the water quality segment impairment data from DEQ should be a key consideration in how the DNR Coastal Nonpoint Pollution Control boundary is defined. Each section of the DNR draft document that justifies the boundaries of the proposed Coastal Zone Intervals appears to either ignore the identified nonpoint pollution sources or minimize the ability of identified nonpoint pollution sources to reach the proposed zone.

The second issue is the rationale for the limited Coastal Nonpoint Pollution Control boundary. Inadequate justification is provided for the boundary as proposed. Repeatedly, wording such as "the natural levees of Bayou Teche and the embankment for LA Highway 182 serve as an impediment to water movement into the coast", (page II C-17) is used to imply that there is an impermeable barrier created by roads, channels, and railroads. This is not an accurate representation of coastal Louisiana. Heavy rainfall, frequent flooding, pervasive use of storm water pumps in urban and agricultural areas, drainage channels, navigation and oil & gas canals, road and railroad culverts and bridges all combine to create many pathways for nonpoint pollution impacts to spread. This spreading occurs within coastal areas, and from nonpoint pollution sources in upstream areas directly to coastal areas. For example, Bayou Lafourche receives approximately 200 cubic feet per second in flows from the pumping station that feeds it at the Mississippi River, yet at Thibodaux Bayou Lafourche regularly exhibits flows up to 1000 cubic feet per second. This indicates the large amount of runoff from agricultural and residential areas that enters the Bayou. All along Highways 1 and 308 that follow the Bayou Lafourche natural levee you can observe the drainage ditches that channel water from fields and residential areas to Bayou Lafourche.

On page II D-1 and 2, three EPA criteria for effective watershed programs are listed. It is stated that EPA criteria "accurately describe the existing Louisiana Nonpoint Source Pollution Control Program which is rated as highly effective (Laska et al. 1994)." Two of the three EPA criteria are about regulatory and incentive-based approaches, which the DEQ Nonpoint Source Pollution Control Program does not yet include. The DEQ Nonpoint Source Pollution Control Program is currently a demonstration or pilot scale program and is focused on developing BMPs applicable to Louisiana. It has projects in only a handful of areas, and by necessity due to size and funding, is working on only a handful of issues. The DEQ Nonpoint Source Pollution Control Program is making a good start, yet there is no quantitative evidence that the program

page 3

has had any impact on reducing nonpoint pollution sources in Louisiana. It is a voluntary program. The EPA criteria cited above state that success comes from combined regulatory and voluntary programs with incentives.

However, the DEQ program is repeatedly cited as justification for the boundary intervals. For example the statement "Agricultural and forestry interests are cooperating with the Department of Environmental Quality, Nonpoint Source Unit (attachments D and E) through the nonregulatory program (Nonpoint pollution source Source Program 1993)" is used to justify limited boundaries in all intervals. That "the DEQ is sponsoring a lawn care demonstration project in Lafayette and will use the information gained as part of the statewide education effort", is used as justification for a limited Interval 2, Forked Island to New Iberia. Using this justification - that a lawn care pilot program exists - for leaving the areas immediately south of Lafayette out of the DNR Coastal Nonpoint Pollution Control coastal boundary area is unreasonable. Using the fact that the DEQ Nonpoint Source Pollution Control Program exists as a justification for not including areas that are major contributors to coastal nonpoint pollution within the boundaries is not acceptable.

The use of the boilerplate language, "Lands north of the Act 361 coastal zone boundary do not contain a measurable quantity or percentage of sea water", as the initial justification for all boundary intervals is unclear. There are many fresh areas in the coastal zone as proposed by DNR, as well as areas of varying salinity. How is salinity in any way a justification for DNR Coastal Nonpoint Pollution Control program boundaries?

The repeatedly used interval justification phrase, "The DEQ (1994) has determined that the contributions of nonpoint pollution to coastal waters are not significant", is very disturbing. How can this be? DEQ documents (Water Quality Management Plan Volume 5, Part A and B) show clearly that nonpoint pollution sources are the major source of pollution and the major problem throughout the coastal zone. As stated above, in all DEQ water quality basins in the DNR Coastal Nonpoint Pollution Control program boundaries, the major identified source of water quality impairment is nonpoint pollution.

There is probably less justification for the proposed boundary of intervals 6, 7 and 8 than any other intervals. These intervals comprise the Barataria-Terrebonne basins. The ongoing Barataria-Terrebonne National Estuary Program identified seven priority problems in the entire basin including eutrophication, pathogen contamination, and toxic substances. These problems arise from some point source discharges certainly, but point sources are relatively few in the Barataria-Terrebonne basins. Much of the pollution comes from in-basin sources, including nonpoint pollution sources. The BTNEP program recognizes the significance of nonpoint pollution sources in many reports and studies. The BTNEP program offers several innovative Action Plans to address nonpoint pollution sources in their draft Comprehensive Conservation and Management Plan. The DNR proposed boundaries should be changed to incorporate almost all of the Barataria and Terrebonne basins. The BTNEP CCMP Action Plans for nonpoint pollution sources should be considered for adoption by this program.

page 4

The DNR Coastal Nonpoint Pollution Control boundaries should be defined to help the program succeed. The boundaries should be constructed based on water exchange areas (watersheds), indicators of water quality impairment (DEQ data), land use data, and political boundaries to the degree needed to ease plan implementation. Nonpoint pollution is a devastating problem throughout coastal Louisiana. The DNR Coastal Nonpoint Pollution Control program runs the risk of failure if the defined coastal zone does not incorporate all areas that put nonpoint pollution directly, or in significant amounts, into coastal waters.

One additional comment we would like to make concerns page II B-2 to II B-4. The text says that the state has limited coastal zone permit authority within fastlands. It also appears that many fastland areas normally considered as being within the coastal zone have been excluded by the proposed program boundaries. Throughout Louisiana's coast, fastlands are frequently pumped to remove storm water from urban and agricultural areas. This nonpoint pollution source is then applied directly to coastal wetlands outside of the fastlands. How will storm water pump discharge from fastlands be handled under the DNR Coastal Nonpoint Pollution Control program? This source needs to be addressed in a specific program section (agriculture, urban) by developing specific BMPs.

We have additional comments relating to the text of the document itself. These will be sent in a marked-up copy of the draft document, under a separate letter.

Finally, the Coalition is interested in becoming a part of the Coastal Nonpoint Pollution Interagency Committee or subcommittees. We are especially interested in participating in identification of critical coastal areas and in public participation, education and outreach issues. We believe the public should have a major voice in designating the critical coastal areas, and should have input into the continuing program development process.

Again, we appreciate the opportunity to make these comments. Please do not hesitate to contact us if you have any questions about these comments.

Sincerely,



Ann Burruss
Science & Technology Director



Coalition to Restore Coastal Louisiana

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504-344-6555 • Fax 504-344-0590 • Internet:102105.2461@compuserve.com

July 25, 1995

Mr. Terry Howey
Coastal Management Division
Department of Natural Resources
Baton Rouge, Louisiana 70804-4487

Dear Mr. Howey:

We have some additional comments on the DNR Coastal Nonpoint Pollution Control Program that we would like to share with you. First, we want to emphasize and encourage an incentive based program to the extent that it is feasible. We believe an incentive based program will be the most beneficial for nonpoint pollution abatement. The Louisiana Stewardship Incentive Program (SIP), part of a national forestry program described on page IVB-19 of the draft document, is an excellent example of the type of program that should be developed and funded under the guidance of the DNR program. If corresponding national programs do not exist within all categories of nonpoint pollution sources (agriculture; urban; marina; hydromodification; and wetlands, riparian areas, and vegetated treatment systems) state agencies should develop them in partnership with the federal agencies that have a shared role in managing that nonpoint pollution source.

Second, we also must emphasize that the "bad actor" clause that is referred to several times in the draft document, is an essential element of the proposed Coastal Nonpoint Pollution Control Program. Essentially, this clause provides the key enforcement mechanism in the program. It is our understanding from the DNR draft document that the "bad actor" clause is still being developed by the Department's contractors. We hope that the clause will provide for adequate notification and mediation, but if a satisfactory outcome is not reached through the established process, an enforcement action under this clause must ensue. We also hope that outreach, education, cooperation and incentives would be the primary mechanisms for compliance, and the "bad actor" clause would be used rarely. However, it must be included in the DNR program and it must be applied to all nonpoint pollution source categories: agriculture; urban; marina; hydromodification; and wetlands, riparian areas, and vegetated treatment systems. We support the inclusion of the "bad actor" clause language in the draft Memoranda of Agreement for the state agencies and would like to see this language included in the agreements for DOTD and the Department of Wildlife and Fisheries, as it is for the other Louisiana agencies.

Again, we appreciate the opportunity to make these comments. Please do not hesitate to contact us if you have any questions about these comments.

Sincerely,

Ann Burruss
Science & Technology Director





BOB ODOM

Commissioner of Agriculture & Forestry

July 24, 1995

REGISTERED
JUL 26 1995
COASTAL MANAGEMENT DIVISION

Mr. Greg Ducote, Program Manager
Coastal Management Division-DNR
P. O. Box 44487
Baton Rouge, LA 70804-4487

Re: Comments on Draft Coastal Nonpoint
Pollution Control Plan

Dear Mr. Ducote:

The following comments are offered on the draft Coastal Nonpoint Pollution Control Plan. These comments were all communicated to you verbally before the June 30 comment deadline. It was our understanding that our differences on the content of the Plan would be resolved through working with you without formal written comments being submitted. It appears now that this may not be the case, therefore the following is offered so that my Department's position be formally on the record.

The draft plan for the Coastal Nonpoint Pollution Control Program provided by your department has been reviewed by my staff. I would like to express my appreciation for the opportunities given us to participate to date in this effort. The sections on both agriculture and forestry are direct responsibilities of this department and therefore I would ask that special consideration be given to our comments and that they be incorporated into the Plan before it is submitted to the Federal agencies for their review.

The draft documents contain two items in Volume 2 that I would ask be excluded from any submittal, even if it is submitted as a draft plan. The "Memorandum of Agreement" between our departments and the proposed "Legislation" should be removed. I realize that these have been provided our department earlier and no written comments were made to you because we feel we are not far enough along in this program to make any rational judgements on what might be needed in an MOA or legislation should this program necessitate such. We stand ready to work with you when, and if, the appropriate time for an MOA and legislation does come about. At present; however, I strongly recommend, as does my staff, that the proposed MOA between our departments in Volume 2 be removed and not submitted. I also feel that it is very premature to make any assumptions as to the need for legislation or what may be needed this far ahead.

Mr. Greg Ducote
July 24, 1995
Page 2

Additional enabling state legislation for this program, even if necessary, cannot be considered until the 1997 session. Finally, should this program evolve to the point that legislation is necessary, I would be obligated to take the position that any regulatory programs dealing with agriculture or forestry be under this department. We will work with you, should this be required in the future, but I feel that, at present, the need for legislation does not exist; therefore, the "proposed" legislation should be deleted from any submittal.

I have a few general comments applicable to both the agriculture and forestry sections. The recent guidance from EPA/NOAA allows states to use existing authorities, as well as existing voluntary programs, to meet the objectives of the Coastal Nonpoint Program. It appears that this was given no consideration in your draft material. The overwhelming evidence does, in fact, support the premise that the voluntary programs are effective, and with the present statutory authority that exists, there is no need for additional measures through new programs. The efforts of this program should be merged with the existing programs. This would strengthen our already effective program.

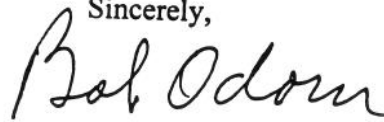
The time lines, as given by the federal guidance, allows time to do further evaluation of programs and measures in place; and, to evaluate the need for new ones. I strongly recommend that you incorporate those time allowances into your program planning and make this part of your submittal. The continued review of the BMP's currently being used in both agriculture and forestry should continue through the time frame allowed in the federal guidance. These should not be imposed as mandatory measures since the review is ongoing into the feasibility of many of the measures.

The Forestry Management Measures, pages IVB-24 to IVB-55, should be removed from the May 1995 draft document (Volume 1) since the review of the management measurer by the forestry committee is incomplete. The forestry exclusion, as submitted at the February 22 threshold review, should be included in that portion of the document.

Mr. Greg Ducote
July 24, 1995
Page 3

The foregoing comments are submitted to you in the spirit of continued cooperation in this effort. Please feel free to contact me, or my staff, should you have any questions or need further information.

Sincerely,

A handwritten signature in cursive script that reads "Bob Odom". The signature is written in dark ink and is positioned below the word "Sincerely,".

Bob Odom
Commissioner

cc: Mr. Jack McClanahan, Secretary, DNR

SECTION I

PRESS RELEASES

LOUISIANA

COASTAL NONPOINT POLLUTION CONTROL PROGRAM

**Coastal Management Division
Louisiana Department of Natural Resources**

prepared in cooperation with

**Office of Water Resources
Louisiana Department of Environmental Quality**

July 1995

State of Louisiana



EDWIN W. EDWARDS
GOVERNOR

JACK McCLANAHAN
SECRETARY

DEPARTMENT OF NATURAL RESOURCES

NEWS RELEASE

FOR IMMEDIATE RELEASE
MAY 25, 1995

COASTAL NONPOINT POLLUTION CONTROL PROPOSAL UP FOR PUBLIC COMMENT

A series of public meetings will be held in June for citizens to comment on the proposed state Coastal Nonpoint Pollution Control Program (CNPCP) announced Louisiana Department of Natural Resource (DNR) officials. Louisiana, a coastal zone state, is required by the federal government to develop a CNPCP program designed to improve coastal water quality and the management of pollution as it impacts coastal waters.

The DNR Division of Coastal Management is charged with complying with federal mandates under both the U.S. Coastal Zone Management Act and the Clean Water Act. The division has formulated a proposed plan after collaborating with user groups, interested citizens, and other local, state and federal agencies. Six committees were formed to assist in the development of the document.

Coastal Management Division Director Terry Howey said the CNPCP plan must be submitted to the National Oceanic and Atmospheric Administration and the Environmental Protection Agency for approval in July. He said that the public meetings will allow interested persons to comment on the plan before it is sent to the federal agencies.

--more--

Add one--CNPCP meetings

The dates, times and locations for the meetings are:

Monday, June 12, **Lake Charles**, 1015 Pithon, Policy Jury Rm.

Tues. June 13, **Lafayette**, 700 Cajundome Blvd., Southern Science Ct.

Wed. June 14, **Thibodaux**, Nichols State Univ., Student Union Bldg.

Thurs. June 15, **Harahan**, 1221 Elmwood Park Blvd., Yenni Bldg./2nd
Fl. Council Chambers

All meetings are held from 6 p.m. to 10 p.m. For further information regarding these scheduled meetings or the proposed plan contact, Greg DuCote, DNR Coastal Management Division, (504) 342-7591, or 1-800-267-4019.

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P.O. Box 638
Bogalusa, LA 70427

KVCL-AM & FM
News Director
P.O. Box 548
Winnfield, LA 71483

KVKI-FM
News Director
P.O. Box 78277
Shreveport, LA 71137

KVLA-AM
News Director
P.O. Box 1129
Vidalia, LA 71373

KVOL-AM & FM
News Director
123 East Main Street
Lafayette, LA 70501

KVPI-AM & FM
News Director
P.O. Box J
Ville Platte, LA
70586

KVVP-FM
News Director
Drawer K
Leesville, LA 71446

KWCL-FM
News Director
P.O. Box 260
Oak Grove, LA 71263

KWDF-AM
News Director
3735 Rogilotte Road
Pineville, LA 71360

KWJM-FM
News Director
113 N. Main Street
Farmerville, LA 71241

KWKH-AM
News Director
P.O. Box 31130
Shreveport, LA
71130-1130

KWKH-FM
News Director
P.O. Box 31130
Shreveport, LA
71130-1130

KWLA-AM
News Director
605 San Antonio Ave
Many, LA 71449

KWLV-FM
News Director
605 San Antonio Ave.
Many, LA 71449

KXKC-FM
News Director
P.O. Box 12948
New Iberia, LA 70562

KXKZ-FM
News Director
P.O. Box 430
Ruston, LA 71272-0430

KXLA-AM
News Director
P.O. Box 990
Rayville, LA 71269

KXOR-FM
News Director
106 Ridgfield Road
Thibodaux, LA 70301

KXZZ-AM
News Director
P.O. Box 1725
Lake Charles, LA
70602

KYEA-FM
News Director
P.O. Box 2199
West Monroe, LA
71291-2199

KYKZ-FM
News Director
P.O. Box 999
Lake Charles, LA
70602

KZBL-FM
News Director
1115 Washington Street
Natchitoches, LA 71457

KZMZ-FM
News Director
P.O. Box 471
Alexandria, LA 71309

WJBO-AM
News Director
P.O. Box 496
Baton Rouge, LA
70806-5755

WKJN-FM
News Director
9737 N. Winston Avenue
Baton Rouge, LA
70809-2531

WLMG-FM
News Director
1450 Poydras Suite 440
New Orleans, LA 70112

WLTS-FM
News Director
3525 N. Causeway Blvd.
Suite 1053
New Orleans, LA 70002

WLUX-AM
News Director
P.O. Box 262550
Baton Rouge, LA
70826-2550

WMXZ-FM
News Director
3525 N. Causeway Blvd.
Metairie, LA 70002

WNDC-AM
News Director
3000 Tecumseh St.
Baton Rouge, LA 70892

WNOE-AM & FM
News Director
529 Bienville Street
New Orleans, LA 70130

WQCK-FM
News Director
5280 Groom Road
Baker, LA 70714

WZUE-AM
News Director
2228 Gravier
New Orleans, LA 70119

WRBH-FM
News Director
3606 Magazine st.
New Orleans, LA 70115

WRKF-FM
News Director
3050 Valley Creek
Drive
Baton Rouge, LA 70808

WRNO-FM
News Director
4539 I-10 Service Road
Metairie, LA 70006

WRNO-WORLDWIDE
News Director
4539 I-10 Service Road
Metairie, LA 70006

WSHO-AM
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1001 Howard Ave.
Suite 4340
New Orleans, LA 70113

WSLA-AM
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P.O. Box 1175
Slidell, LA 70459

WSLG-AM
News Director
P.O. Box 236
Gonzales, LA 70737

WSMB-AM
News Director
1450 Poydras, Suite
440
New Orleans, LA 70112

WTGE-FM
News Director
P.O. Box 14299
Baton Rouge, LA 70898

WTIX-AM
News Director
3313 Kingman
Metairie, LA 70006

WTKL-FM
News Director
3525 N. Causeway
Suite 1053
New Orleans, LA 70002

WVOG-AM
News Director
2730 Loumor Ave.
Metairie, LA 70001

WWL-AM
News Director
1450 Poydras St. Suite
440
New Orleans, AL 70112

WWOZ-FM
News Director
P.O. Bxo 51840
New Orleans, LA 70151

WXOK-AM
News Director
7707 Waco Avenue
Baton Rouge, LA 70806

WYCT-FM
News Director
7707 Waco Avenue
Baton Rouge, LA 7080

WYLD-AM & FM
News Director
2228 Gravier Street
New Orleans, LA 70119

WYNK-AM & FM
News Director
P.O. Box 14061
Baton Rouge, LA
70898-4061

WZRH-FM
News Director
1601 Shortcut Road
Slidell, LA 70458

The Abbeville Meridional
News Editor
P.O. Box 400
Abbeville, LA 70510

The Advocate
News Editor
P.O. Box 588
Baton Rouge, LA 70821

The Alexandria Daily Town
Talk
News Editor
P.O. Box 1558
Alexandria, LA 71306

The Alexandria Express Line
News Editor
P.O. Box 7558
Alexandria, LA 71306

The Alexandria News Weekly
News Editor
P.O. Box 608
Alexandria, LA 71309

The Amite Tangi-Digest
News Editor
P.O. Box 698
Amite, LA 70422

The Assumption Pioneer
News Editor
P.O. Box 428
Napoleonville, LA 70390

The Avoyelles Journal
News Editor
P. O. Box 523
Marksville, LA 71351

The Baker Observer
News Editor
5240 Groom Road
Baker, LA 70714

The Banner Democrat
News Editor
313 Lake Street
Lake Providence, LA 71254

The Basile Weekly
News Editor
P.O. Drawer 578
Basile, LA 70515

The Bastrop Daily
Enterprise
News Editor
P.O. Box 311
Bastrop, LA 71221

The Baton Rouge Express
Line
News Editor
P. O. Box 588
Baton Rouge, LA 70821

The Beauregard Daily News
News Editor
P.O. Box 698
DeRidder, LA 70634

The Bienville Democrat-
Record
News Editor
P.O. Box 29
Arcadia, LA 71001

The Bogalusa Daily News
News Editor
525 Avenue V
Bogalusa, LA 70427

The Bossier Banner-Progress
News Editor
P.O. Box 248
Benton, LA 71006

The Bossier Press Tribune
News Editor
P.O. Box 6267
Bossier City, LA 71171

The Breaux Bridge Banner
News Editor
218 West Bridge Street
Breaux Bridge, LA 70517

The Bunkie Record
News Editor
P.O. Box 179
Bunkie, LA 71322

The Caddo Citizen
News Editor
P.O. Box 312
Vivian, LA 71082

The Cajun Gazette
News Editor
P.O. Box 328
Pierre Part, LA 70339

The Caldwell Watchman-
Progress
News Editor
P.O. Box 1269
Columbia, LA 71418

The Cameron Parish Pilot
News Editor
P.O. Box J
Cameron, LA 70633

Cameron Parish Pilot
News Editor
P.O. Box 995
DeQuincy, LA 70633

The Catahoula News-Booster
News Editor
P.O. Box 188
Jonesville, LA 71343

The Catahoula News-Booster
News Editor
P.O. Box 856
Ferriday, LA 71334

The Central News-
News Editor
12121 Hooper Road
Baton Rouge, LA 70818

The Chronicle
News Editor
P.O. Box 248
Colfax, LA 71417

The Church Point News
News Editor
P.O. Box 179
Church Point, LA 70525

The Courier
News Editor
P.O. Box 2717
Houma, LA 70361

The Coushatta Citizen
News Editor
P.O. Drawer 1365
Coushatta, LA 71019-2006

The Crowley Post-Signal
News Editor
P.O. Box 1589
Crowley, LA 70527

The Daily Advertiser
News Editor
P.O. Box 3268
Lafayette, LA 70502

The Daily Iberian
News Editor
P.O. Box 9290
New Iberia, LA 70560

The Daily Reveille (LSU)
News Editor
B39 Hodges Hall LSU
Baton Rouge, LA 70803

The Delhi Dispatch
News Editor
P.O. Box 608
Delhi, LA 71232

The Denham Springs News
News Editor
P.O. Box 1529
Denham Springs, LA 70727

The Dequincy News
News Editor
P.O. Box 995
Dequincy, LA 70633

The Donaldsonville Chief
News Editor
P.O. Box 309
Donaldsonville, LA 70346

The East Feliciana Watchman
News Editor
P.O. Box 368
Clinton, LA 70722

The Enterprise & Interstate
Progress
News Editor
P.O. Box 840
Mansfield, LA 71052

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<p>The Gambit News Editor 4141 Bienville New Orleans, LA 70119</p>	<p>The Gonzales Weekly News Editor P. O. Box 38 Gonzales, LA 70737</p>	<p>The Greensburg St. Helena Echo News Editor P.O. Box 190 Greensburg, LA 70441</p>
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The Kentwood News Ledger
News Editor
P.O. Box AD
Kentwood, LA 70444

The Kinder Courier-News
News Editor
P.O. Drawer AK
Kinder, LA 70648

The L'Observatuer
News Editor
P.O. Box 1010
Laplace, AL 70069-1010

The Lafayette Plus/Cover
Story
News Editor
P.O. Box 3268
Lafayette, LA 70502

The Lafourche Gazette
News Editor
P.O. Box 1450
Larose, LA 70373

The Lake Arthur Sun-Times
News Editor
P.O. Box 670
Lake Arthur, LA 70549

The Lake Charles American
Press
News Editor
P.O. Box 2893
Lake Charles, LA 70601

The Leesville Daily Leader
News Editor
P.O. Box 619
Leesville, LA 71496-0619

The Louisiana Weekly
News Editor
P.O. Box 53008
New Orleans, LA 70153

The Lutcher News-Examiner
News Editor
P.O. Box 460
Lutcher, LA 70071

The Mamaou Acadian Press
News Editor
145 Court
Ville Platte, LA 70586

The Many Sabine Index
News Editor
P.O. Box 850
Many, LA 71449-0850

The Marsville Weekly News
News Editor
P.O. Box 523
Marksville, LA 71351

The Minden Press-Herald
News Editor
P.O. Box 1339
Minden, LA 71055

The Monroe Dispatch
News Editor
P.O. Box 4823
Monroe, LA 71211

The Morgan City Daily
Review
News Editor
P.O. Box 948
Morgan City, LA 70381

The Natchitoches Times
News Editor
P.O. Box 448
Natchitoches, LA 71457

The News Banner
News Editor
P.O. Drawer 90
Covington, LA 70434

The News-Star
News Editor
P.O. Box 1502
Monroe, LA 71210-1502

The Oakdale Journal
News Editor
P.O. Box 668
Oakdale, LA 71463

The Opelousas Daily World
News Editor
P.O. Box 1179
Opelousas, LA 70570

The Ouachita Citizen
News Editor
P.O. Box 758
West Monroe, LA
71294-0758

The Plain Dealing Post
News Editor
P.O. Box 399
Plain Dealing, LA 71064

The Plaquemine
Post/Iberville South
News Editor
P.O. Box 589
Plaquemine, LA 70764

The Plaquemines Gazette
News Editor
P.O. Box 700
Belle Chasse, LA 70037

The Plaquemines Watchman
News Editor
P.O. Box 700
Belle Chasse, LA 70037

The Pointe Coupee Banner
News Editor
P.O. Box 400
New Roads, LA 70760

The Ponchatoula Enterprise
News Editor
P.O. Box 218
Ponchatoula, LA 70454

The Ponchatoula Times
News Editor
P.O. Box 743
Ponchatoula, LA 70454

The Rayne Acadian Tribune
News Editor
P.O. Box 260
Rayne, LA 70578

The Rayne Independent
News Editor
P.O. Box 428
Rayne, LA 70578

The Rayville Richland
Beacon-News
News Editor
P.O. Box 209
Rayville, LA 71269

Ringgold Progress
News Editor
P.O. Box 708
Ringgold, LA 71068

The Ruston Daily Leader
News Editor
P.O. Box 520
Ruston, LA 71270

The Ruston Morning Paper
News Editor
306 S. Monroe ST.
Ruston, LA 71270

The Saint Mary Journal
News Editor
P.O. Box 31
Morgan City, LA 70381

The Saint Tammany Farmer
News Editor
P.O. Box 269
Covington, LA 70434

The Shreveport Sun
News Editor
P.O. Box 38357
Shreveport, LA 71139-9328

The Slidell Sentry-News
News Editor
P.O. Box 910
Slidell, LA 70458

The Southwest Daily News
News Editor
P.O. Box 1999
Sulphur, LA 70664-0099

The Springhill Press & News
Journal
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P.O. Box 668
Springhill, LA 71075

The St. Bernard News
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3010 Lausat St.
Metairie, LA 70001

The St. Bernard Voice
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P.O. Box 88
Arabi, LA 70032

The St. Charles Herald
Guide
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P.O. Box 1199
Boutte, LA 70039

The St. Francisville
Democrat
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P.O. Box 1876
St. Francisville, LA 70775

The Sterlington Town Talk
News Editor
P.O. Box 841
Sterlington, LA 71280

The Tallulah Madison
Journal
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300 S. Chestnut St
Tallulah, LA 71282

The Teche News
News Editor
P.O. Box 69
St. Martinville, LA 70582

The Tensas Gazette
News Editor
P.O. Box 25
St. Joseph, LA 71366

The Thibodaux Daily Comet
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P.O. Box 5238
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The Times
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P.O. Box 30222
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The Times Picayune
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3800 Howard Ave.
New Orleans, LA 70140

The Vacherie Enterprise
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P.O. Box 9
Vacherie, LA 70090

The Ville Platte Gazette
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P.O. Box 220
Ville Platte, LA 70586

The Vinton News
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P.O. Box 1999
Vinton, LA 70664

The Weekly Press
News Editor
P.O. Box 74485
Baton Rouge, LA 70874

The Welsh Citizen
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P.O. Box 796
Welsh, LA 70591

The West Carroll Gazette
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P.O. Box 1007
Oak Grove, LA 71263

The West Side Journal
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P.O. Box 260
Port Allen, LA 70767

The Westlake/Moss Bluff
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P.O. Box 127
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The Winn Parish Enterprise
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P.O. Box 750
Winnfield, LA 71483

The Winnsboro Franklin News
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The Winnsboro Franklin Sun
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