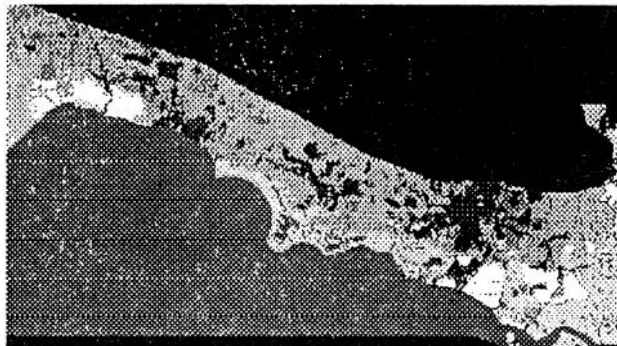


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St. Tammany Parish



Local Coastal Program



St. Tammany Parish
Police Jury

Department of Development

Revised May, 1992

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I. INTRODUCTION

St. Tammany Parish, in southeast Louisiana, lies mostly within the Pontchartrain-Maurepas Basin. The southern quarter of the parish, the area between Interstate Highway 12 and Lake Pontchartrain and Interstate Highway 10 and Lake Pontchartrain, The Rigolets, or Lake Borgne is included in the Louisiana coastal zone. Projects in this strip are potentially subject to the permitting procedures administered by the Coastal Management Division, Louisiana Department of Natural Resources. Conflicts between the use of the wetlands for renewable resources and marinas, pipeline rights-of-way, and recreational communities now exist throughout the shoreline marshes and swamps of Lake Pontchartrain, The Rigolets, and the Pearl River Basin. These problems result from the tremendous economic growth experienced by the parish during the past twenty years and the desire of people to live on or near the water. Man's encroachment into the estuarine and alluvial systems is not the only problem. Natural processes, such as sea level rise, regional subsidence, and shoreline erosion, are degrading the veneer of shoreline wetlands. Solving these problems must involve every level of government; therefore, St. Tammany Parish decided to participate in the State and Local Resources Management Act of 1978, as amended (LRS 49:213.1 *et seq.*) by developing and implementing a Local Coastal Program.

A Local Coastal Program (LCP) approved by the federal and state governments has several significant advantages for the parish. First, a LCP affords the parish greater prestige and status when commenting on Coastal Use Permit (CUP) applications. Second, the parish has prepared goals, objectives, and policies for the Environmental Management Units (EMU) which must be used by the Louisiana Coastal Resources Program (LCRP) when CUP applications are evaluated. These afford greater predictability when planning for a project or evaluating an application. Priorities of uses within the coastal zone include conservation of wetlands, only construction of water dependent uses, and uses that do not adversely impact the renewable resource base. Third, parish officials can speak in unity to the LCRP through one professional, the LCP Administrator, rather than sending conflicting messages from many sources during the review and comment process. Fourth, the LCP Administrator is available to assist the permit applicant in completing the permit procedures for

an action in the coastal zone. Fifth, a LCP becomes the focus for addressing wetlands loss in the parish and for trying to protect and enhance the valuable renewable resource base that fringes the Lake Pontchartrain and Rigolets shorelines and the Pearl River basin and delta. Finally, an approved LCP makes the parish eligible for state matching funds for administration.

Volume I is the document that describes in detail the St. Tammany Parish Local Coastal Program. The text is written as a declaration of the parish's position on coastal issues rather than as a compilation of unnecessary detailed background data. Supplemental information has been incorporated by reference. The text emphasizes essential topics of concern to decisionmakers and the general public: the goals, objectives, and policies (guidelines) for each Environmental Management Unit and the functioning of the LCP. As an analytic rather than encyclopedic program document, discussions are concise.

Volume I begins with a general description of the physical, biological, and cultural elements of the part of the parish subject to the jurisdiction of the coastal program. Second, the document summarizes the conflicts that exist in the coastal zone. Third, the relationship among the LCP, the LCRP, and federal coastal zone programs are discussed. Fourth, the document presents in detail the organization and administration of the St. Tammany Parish Local Coastal Program. Fifth, the four Environmental Management Units of the parish are discussed as they are affected by the LCP. The next chapter summarizes public participation, an important part of the development of this program. The final section contains references to supporting documents which provide additional discussions of related topics.

Volume II is an atlas prepared by the Department of Development. Maps depict detailed information on soils, land use, zoning, habitats, floodplains, and general cultural elements of the St. Tammany Parish coastal zone. Printed copies of the maps are available for public review at the Department of Development in Covington and the atlas is available on computer disk. To expedite updating and for use in processing permit applications the maps are on the St. Tammany Parish geographic information system (GIS) also located in the Department of Development in Covington.

St. Tammany Parish is developing a computerized system for inventorying and defining various sources of information used to review and monitor permits. The parish is using a MS-DOS 80386 computer to run Atlas/Agis, a geographic information system (GIS). The parish is acquiring information on vegetation types, habitats, soils, flood plains, land use, zoning classifications, archaeological and historic sites, parks, scenic streams, endangered species, federal and state lands, and critical habitats. The GIS format allows for updating of information as new information becomes available.

The LCP Administrator will use this inventory as one tool during the review process on permit applications. Hard copies of maps will be printed and will be available for inspection at the Department of Development, 428 E. Boston St., Covington, La.

II. ENVIRONMENTAL SETTING OF ST. TAMMANY PARISH

Physical Elements

Geology and Topography

The part of St. Tammany Parish within the Louisiana coastal zone, (i.e., the lands and wetlands south of I-12 and I-10) can be divided into two surfaces: the Pleistocene uplands and the Recent lowlands. The Pleistocene surface of older, uplifted alluvial and coastal deposits slopes from north to south with elevations ranging from a maximum of 25 - 30 ft near I-12 to less than 5 ft near the Pleistocene-Recent contact. Overall this is a surface of low elevation and a flat topography where maximum relief occurs along the edge of river and bayou valleys draining small, interior watersheds. Each of these watercourses has similar physical characteristics. They are within an incised valley. Local relief may be as much as 20 ft between the swamps bordering the channel and the adjacent pine forest or development. The meandering Tchefuncte River flows into Lake Pontchartrain south of Madisonville. Bayou Chinchuba is a small watershed north of Mandeville. Bayou Castine and Cane Bayou are two small channels east of Mandeville on both sides of Fountainebleu State Park. To the east the next large water courses are Bayou Lacombe and Bayou Liberty. Finally, along the Louisiana-Mississippi stateline is the Pearl River, a very large system with a wide, flat floodplain created by the filling of an ancient eroded river valley.

The 5 ft contour shown on the U.S. Geological Survey 7.5 minute topographic maps serves as a convenient reference when plotting the Pleistocene-Recent contact. The contour generally parallels the Lake Pontchartrain shoreline. Where it intersects a river or bayou, it follows the valley walls into the interior. In the cases of the Tchefuncte River, Bayou Lacombe, Bayou Liberty, and the Pearl River, the 5 ft contour reaches Interstate 12 or 10, the northern boundary of the coastal zone. (Atlas Plate: Topography) Only in the Mandeville area does the Pleistocene surface actually reach Lake Pontchartrain.

Shoreline erosion is a critical problem on the Lake Pontchartrain shore. Between Tangipahoa Parish and Mandeville average erosion is 5.2 ft/yr except where stabilized, such as at Port Louis. The Mandeville shoreline is stabilized by a seawall. From Bayou Castine to Cane Bayou a sand beach and storm berm were once prominent features, but an erosion rate of 4.5ft/yr has taken its toll, and little of the beach now remains. Highest rates of erosion are in the Goose Point region, from Cane Bayou to Bayou Liberty, where erosion is 7.9 ft/yr. Between Bayou Liberty and US 11 the shore is retreating at 2.5 ft/yr. From US 11 to The Rigolets erosion is 3.4 ft/yr except where partially stabilized by levees or other developments. Shoreline erosion is a continuing problem for the Treasure Island community and in The Rigolets. The Pearl River is an active deltaic system which shows the typical cyclic pattern of erosion and deposition throughout the system.

The Pleistocene surface is crossed by a series of slowly moving faults which show local displacement of as much as 15 ft. When drainage is necessary the subsidence potential is non-existent. Seismic hazard for the study area is low to non-existent (Algermissen and Perkins 1976). This part of the Pleistocene surface is not identified as a significant groundwater recharge area for the extensive aquifer system of southeast Louisiana.

The Recent surface borders the rivers and bayous draining the interior watersheds and fringes the higher Pleistocene along Lake Pontchartrain. For the most part, elevations are below five feet MSL and, as a result, the topography is very flat. Maximum elevations in excess of 5 ft do occur on abandoned beach ridges that trend east to west across part of the area. These are most obvious in the vicinity of Apple Pie Ridge, Prevost Island, and Treasure Island in the southeast corner of the parish and Miltons Island to the southwest. Except for the abandoned beach ridges which have oaks and pines, the Recent surface can be easily identified in its natural condition by the presence of swamp or marsh vegetation. Many changes, such as reclamation projects, recreational communities, and farming activities, have taken place which have affected this characteristic signature. Subsidence potential for drained areas is very high; that is, greater than 51 inches because of the high organic content of the Recent material. Regional subsidence, however, continues and is a contributing factor to the deterioration of the wetlands along Lake Pontchartrain.

Soils

The soils of the study area (Atlas Plate Soils) are a reflection of the geology, relief, organisms, time, climate, and man's activities. There are four soil associations: the Bibb-Mantochie, Myatt-Stough, the Marsh, and the Swamp. On the Pleistocene are somewhat poorly drained loamy soils of the Myatt-Stough; however, these do have the best foundation conditions and are least subject to flooding. On the Recent surfaces and within the alluvial valleys that dissect the Pleistocene terrace are the Bibb-Mantochie soils that range from well-drained, moderately coarse textured soils to poorly drained sandy loams and silt loams. These are subject to periodic and regular flooding. Swamp soils are found along the edge of the Pleistocene uplands and are firm to very soft clays and mucks that are subject to periodic and regular flooding. These organic clays have scattered lenses of silt and peat and a high water content. Marsh soils, subject to regular flooding, have a high water content and are composed of very soft clays with high organic content (20-50 %). The thickness of marsh soils generally ranges from 5 to 10 ft. Man-made areas resulting from dredge material deposition associated with navigation projects or residential/commercial developments make up the final soil type. Several examples exist throughout the coastal zone, such as along the Tchefuncte River and Cane Bayou, North Shore Beach and Eden Isles subdivision, and reclamation areas west of Madisonville and along U.S. Highway 90 and La. 433. Subsidence potential after drainage of the Swamp and Marsh Associations is very high, greater than 51 in. Subsidence of soils on the Pleistocene surface is non-existent.

Hydrology

The hydrology of the parish can be divided into surface water and groundwater. Surface water includes the numerous water courses that cross the Pleistocene to eventually discharge into Lake Pontchartrain, the surface water in the swamps and marshes, and Lake Pontchartrain and the tidal passes. St. Tammany Parish is within the Pontchartrain-Maurepas estuary. Freshwater enters the system from the uplands and mixes with the marine waters in Lake Pontchartrain. Only the Tchefuncte River is considered to be a major river

supplying freshwater to the estuary. The Pearl River has an indirect effect on the lake. Salinities range from 3 to 8 ppt at The Rigolets and decrease to the northwest. Daily tides also decrease from The Rigolets (9.7 in) to the northwest, but extremes can occur as a result of winds and storms. Water movement within the lake system is more a response to predominant winds than tides. Currents travel along the shoreline of the parish, contributing to shoreline erosion and the mixing of fresh and salt water. Again the wind plays an important role in tidal direction and velocity.

Maximum water surface elevations occur as the result of heavy precipitation from frontal movements, thundershowers, or hurricanes. Except for some local spots on the abandoned beach ridges, the entire Recent surface fringing the lake and up the river valleys is within the 100-year floodplain (Atlas Plate Hydrology). Some of the lowest areas on the Pleistocene surface are also subject to periodic flooding. For example, when a south wind piles water onto the north shore, the rise in water surface elevations prevents precipitation from running off. Flooding is also a problem in Mandeville which borders the lake and relies on gravity flow for drainage. Maximum flooding across the coastal zone occurs as a result hurricanes. Depending on the direction of approach, storm surge on the shore of St. Tammany Parish may exceed 12 MSL. This means the entire Recent surface is inundated, and a wide strip of the Pleistocene is also affected. Fortunately, the coastal wetlands help buffer surge and reduce the inland extent along some reaches of the shoreline.

Water quality is an important element in the setting of the parish. Several streams are adversely affected by domestic wastewater and storm sewer discharges. Most of the problems center on exceeding the state water quality criteria for DO, pH, and fecal coliform. Nonpoint sources, such as recreational boats, camps, septic tanks, stormwater runoff, and agriculture, are also major contributors to the water quality problems of the parish. The water bodies affected include the Bogue Falaya River, Bayou Chinchuba, Bayou Castine, Cane Bayou, Bayous Bonfouca and Liberty, the canals southeast of Slidell, and the Salt Bayou area. Lake Pontchartrain has been closed to oyster harvesting since 1967 because of bacterial contamination. Bayou Bonfouca is also an industrial problem area because of the residual creosote deposits from a facility that burned in 1970. Cleanup operations are underway.

Groundwater is an important resource in St. Tammany Parish where most of the domestic water originates. There appears to be an abundance of groundwater at the present time. Primary concerns are on saltwater encroachment and contamination from the surface, for example through improperly plugged and abandoned wells.

Climate

The climate is humid subtropical where conditions are dominated by warm, moist, maritime air from the Gulf of Mexico. Average annual precipitation ranges between 59 in and 62 in. During the winter and spring, polar air masses pass through the parish, displacing the warmer tropical air masses. As the fronts move squall lines develop causing heavy showers that are generally short lived. Summer and fall are characterized by afternoon and evening thunderstorms that are usually brief but heavy over a small area. Flooding may take place along the lower-lying reaches of river valleys, in depressions on the Pleistocene, and in the wetlands.

The most significant individual climatic event to affect the parish is the hurricane, an infrequent but extreme event. Hurricanes are tropical depressions that originate in the south Atlantic, Caribbean, or Gulf of Mexico between late spring and fall. They tend to gain strength and speed as they cross open water. By the time they reach land, they are accompanied by heavy showers, tornadoes, high sustained winds, and a storm surge that may travel far inland onto the Pleistocene surface. Recreational and residential communities, such as Port Louis, Mandeville, North Shore Beach, North Shore, Treasure Island, as well as numerous unnamed clusters of camps are vulnerable to these extreme high tides topped by wave action.

Biological Elements

Vegetation

Natural vegetation on the Pleistocene surface (Atlas Plates Vegetation) is upland hardwoods and pines, an area dominated by longleaf pine (*Pinus*

palustris). When the longleaf pine was harvested it was replaced by other species, such as loblolly (*Pinus taeda*), slash (*P. elliottii*), shortleaf (*P. echinata*) and spruce (*P. glabra*). These species produce a commercial product in a shorter period of time. In the sloughs crossing the Pleistocene surface are the hardwoods, such as cypress (*Taxodium distichum* var. *nutans*), swamp blackgum (*Nyssa sylvatica* var. *biflora*), magnolia (*Magnolia* spp.), and varieties of gums, oaks, and ash. If an area has been burned after timbering it is characterized as a "scrub oak" community of southern red oak (*Auercus falcata*), post oak (*Q. stellata*), and blackjack oak (*Q. marilandica*).

Significant areas of the parish have been cleared for farming, pasture, crops, and urban development. The population explosion especially at the end of the Lake Pontchartrain Causeway and the Interstate 10 twin bridges to the east are important reasons for the rapid clearing and modification of vegetation systems.

The Recent surface can be subdivided into bottomland hardwoods, cypress-tupelo swamp, and fresh to brackish marshes. Bottomland hardwoods are found in the upper reaches of the rivers and bayous that cross the Pleistocene. These are low lying, less well drained levees along the water courses and include overcup oak (*Quercus lyrata*), Bitter pecan (*Carya aquatica*), and gums and oaks. The largest swamps are along the Tchefuncte River and the Pearl River. The Pearl River basin has the greatest expanse of cypress-tupelo swamp (*Taxodium distichum* and *Nyssa aquatica*), but again small areas or pockets may be found in association with other water courses (for example, the Tchefuncte River, Bayou Castine, and Cane Bayou) and fringing the Pleistocene uplands. Marshes grade from fresh around the Tchefuncte River and the Pearl River to intermediate throughout the parish. Brackish marsh is found at the Lake Pontchartrain shoreline from Fountainbleu State Park to the Pearl River delta. Offshore aquatic plants (submerged moss, algae, and floating-leaved vascular species) occupy the shallower and less turbid portions of the lake bottom. They provide valuable habitat for lake fisheries and help to retard erosion.

The distribution and composition of vegetation associations are undergoing rapid changes; most man-related. Because St. Tammany has become a bedroom community for commuters working on the south shore, land must be

cleared for houses, shopping centers, and small businesses, such as marinas. Transportation facilities (I-12 and the numerous roads crossing the parish), recreation communities, and infrastructure needs (schools, sewage plants) all require land for construction. With much of this economic expansion has come a change in the hydrologic characteristics of the parish. Saltwater may be reaching areas that were not accessible before the dredging of canals and navigable waterways. Nonpoint runoff from increased hard surfaces has changed the timing and intensity of flow into and through wetlands, in addition to introducing pollutants to the previously little affected system.

Natural causes are contributing to vegetation changes as well. Regional subsidence permits water to reach areas not affected previously and to inundate them to greater depths and for longer periods than before. Shoreline erosion is rapid and causes the loss of considerable acreage of wetlands each year. Finally, the effect of rising sea level is critical because the wetlands naturally grow at elevations between 0 and +1 ft MSL. Any change in elevation can result in loss of additional wetlands.

Two unusual vegetation concentrations are found in the parish (Garofalo 1982). One area is along Bayou Lacombe in the vicinity of U.S. Highway 190. The second is the swamp system of the Pearl River basin between I-10 and U.S. 90.

Wildlife and Fisheries

The wetlands and nearshore lake grassbeds serve as important nursery grounds for many estuarine-dependent species. Forty-seven species of fish were identified in Lake Pontchartrain and an additional 36 species in surrounding marshes (Thompson and Verret 1980). For example, spotted seatrout (*Cynoscion nebulosus*) use the grassbeds along the shoreline in the summer and fall before going to open water (Thompson and Verret 1980). The cypress swamp provides important habitat for wood ducks (*Aix sponsa*) and mallards (*Anas platyrhynchos*). Other avian species using the swamp are herons, egrets, and ibises, which feed on the small fish and crustaceans of the shallow waters. Wildlife using the swamp include white-tailed deer (*Odocoileus virginianus*), swamp rabbit (*Sylvilagus aquaticus*), and gray

squirrel (*Sciurus carolinensis*). Fur bearers include nutria (*Myocastor coypus*) and raccoon (*Procyon lotor*).

The marshes are very valuable for fish and wildlife populations of the Lake Pontchartrain estuary. Puddle ducks and wading birds use the marsh for feeding and nesting. Nutria, mink, and alligators are harvested from these marshes; however, intermediate marsh is the most utilized by waterfowl in southeast Louisiana (Palmisano 1973). The brackish marsh (higher in salinity and tidal energy than the intermediate or fresh marshes) is important as the most desirable habitat for muskrat.

The lake, grassbeds, and wetlands support both commercial and recreational species of fish and shellfish and are significant nursery grounds for many estuarine-dependent species. These habitats also serve as sources of organic detritus, which is important either directly or indirectly to the invertebrate species and fish that populate the estuary. Spotted seatrout, crabs (*Callinectes sapidus*), and shrimp (*Penaeus*) are some of the more valuable species that rely on the grassbeds and wetlands for at least part of their life cycle. The Rangia clam (*Rangia cuneata*) supports a shell dredging industry in Lake Pontchartrain; however, dredging is restricted within one mile of the shoreline. The nearshore shallows between the Tchefuncte River and Bayou Chinchuba, south of Fontainbleau State Park, from Cane Bayou to North Shore, and in the vicinity of the mouth of Salt Bayou are important sportfishing areas. Important fish spawning habitats are found at the mouth of the Tchefuncte River, between Cane Bayou and Goose Point, west of Bayou Liberty, and in The Rigolets.

Although the parish is within the range of several threatened or endangered species, only the bald eagle is known to inhabit a portion of the parish coastal zone. Eagles are found in the White Kitchen area of the Pearl River basin of southeast St. Tammany Parish.

Socio-economic Characteristics

Demography and Land Use

St. Tammany Parish is in transition from the predominantly rural setting it was in 1950 to an urban-suburban setting in 1980 (Table 1). The parish has shown a rapid population growth during the past 40 years (Table 2) and is expected to continue to grow through 2000 (Manugi and Fletes 1983). Although the rate of growth has decreased during the past five years the parish is still growing as population relocates from the parishes south of the lake. Most of the families entering the parish settle as close as possible to the transportation system leading to New Orleans; that is, I-10, the Lake Pontchartrain Causeway and the cross-parish connecting roads of I-12 and U.S. Highway 190. The result is that most of the development in the parish is in Ward 4 (the Mandeville area) at the north terminus of the Lake Pontchartrain Causeway and Wards 8 and 9 (the Slidell area) at the end of the I-10 twin spans and U.S. 11 bridge. Specifically, the coastal zone communities of Mandeville and Slidell have had tremendous growth since 1950 (Table 3).

The population is for the most part well educated. This is believed to be the result of professionals and white collar service and management level individuals relocating from other parishes. The median income for 1983 was \$28,022, which is 25% greater than that of the metropolitan area (\$22,348) (Gregory C. Rigamer and Associates, Inc. 1985). GCH& Associates (1985) indicates the per capita effective buying income in St. Tammany was \$10,453 for 1983. This is 9% more than the average (\$9,548) for the metropolitan area. Employment in the parish is expected to continue to increase so that by the year 2000 there will be 71.4% more jobs than there were in 1980.

The coastal zone was originally pine forest on the uplands, cypress swamp in the river bottoms, and marsh along the lake shoreline. With the population influx, there are now three areas of concentrated urban-suburban development in the coastal zone. On the eastern end of the parish are Slidell and the clusters associated with Salt Bayou, North Shore and North Shore Beach, and Bayou Liberty (Wards 8 and 9). In the middle of the parish, growth surrounds Bayou Lacombe and centers on U.S. 190 (Ward 7). To the west are the

	A	B	C	D	E	F	G
1	Table 1. St. Tammany Parish population statistics, 1950 - 1988						
2	Year	Total Population	Farm	Nonfarm	Urban		
3							
4	1950	26,988	5,534	12,877	8,577		
5	1960	38,643	1,752	23,781	13,110		
6	1970	63,585	1,037	39,086	23,271		
7	1980	110,869					
8	est. 1988	159,032					
9							
10							
11							
12	Table 2. Population by Wards in the Coastal Zone, 1960 - 1988						
13	WARD	1960	1970	1980	est. 1988	1990	2000
14	1	1,847	2,929	4,419	6,792	8,977	18,468
15	4	3,341	6,126	13,852	21,085	24,486	36,350
16	7	2,019	3,031	5,012	7,239	9,949	17,068
17	8	3,975	11,730	31,018	40,463	39,374	46,493
18	9	10,339	18,736	26,767	37,950	36,262	48,126
19							
20							
21							
22							
23	Table 3. Populations of Mandeville and Slidell, 1950 - 1980						
24	Year	Mandeville	Slidell				
25	1950	1,368	3,464				
26	1960	1,740	6,356				
27	1970	2,571	16,101				
28	1980	6,076	26,719				
29							

communities in Ward 4 that are focused on the Lake Pontchartrain Causeway, including Mandeville, Madisonville, and the numerous subdivisions outside the incorporated communities along La. Highway 2, U.S. 190, and the area east of the Tchefuncte River. Commercial strip development (retail, service, office, and shopping space) lines the major thoroughfares of U.S. 190, U.S. 11, La. 433, and La. 22. Parish residents rely tremendously on the automobile. Forest tracts remain but they are gradually being subdivided for tract homes, golf communities, and commercial development. Volume II (Atlas Plate Zoning) shows parish zoning for this area.

Public lands are found throughout the coastal zone of St. Tammany Parish, including Fontainebleau State Park (2,700 ac), Fairview Riverside State Park (98 ac), St. Tammany (Lake Pontchartrain) Wildlife Refuge (526 ac), and the Pearl River Wildlife Management Area (over 35,000 ac). Recently, the Nature Conservancy purchased additional lands in the White Kitchen area and gave them to the state to protect the eagles known to inhabit the area. State designated scenic streams cross the coastal zone. These are the Tchefuncte River, Cane Bayou, Bayou Lacombe, and West Pearl River.

Fastlands can exist within the coastal zone. Fastlands are: Lands surrounded by publicly owned, maintained, or otherwise validly existing levees, or natural formations, as of the effective date of this Part or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters. {LRS 49:213.3(9)}."

Economy

St. Tammany has become a bedroom community for the New Orleans Standard Metropolitan Statistical Area (SMSA). Most workers who live in the parish are classified as managerial, professional, technical, sales or administrative support. Manufacturing jobs comprise only about 15% of the workforce. Within the parish, especially in the area south of I-12, water-oriented recreation is very important to the economy. Port Louis, partially completed, has harbor facilities and is available for further residential and commercial development. The

Tchefuncte River is lined with marinas, boat yards, commercial and private docks, launches, businesses, and condominium/townhouse developments. Mandeville is an active center for boating and marinas. Farther to the east are Bayou Lacombe, Bayou Liberty, and Bayou Bonfouca, all of which are lined with docks and support marinas. Northshore Beach, a recreation community of camps along canals, is on the lakefront. A camp development along the borrow canal parallels U.S. Highway 11. A large marina is located in Eden Isles subdivision, a Florida-type canal community. Southeast of Slidell, marinas and camps are found on the Salt Bayou Road (La. 433), in The Rigolets, and along U.S. 90. Finally, boat landings and marinas are located in the Pearl River basin. Water-oriented recreation and support services are expected to grow in popularity, and additional pressure for more facilities and greater access to the waterways is likely.

Three enterprise zones are located in the coastal zone. E.D. 75 is near Lacombe within Ward 7 and extends from just south of U.S. 190 to the Lake Pontchartrain shoreline. E.D. 45 is east and south of I-10 and north of U.S. 190. E.D. 59 is in the older central business district of Slidell.

III. USES AND CONFLICTS WITHIN THE COASTAL ZONE

The coastal zone is an area of conflict between intensive use for residential, commercial, and recreational activities as the population increases and the need to conserve the renewable resource base (wetlands, shallow water bottoms, water quality). This has become very clear during the past several years by expansion of incorporated and unincorporated areas and the impact of recreational activities. Primary impacts affect water quality and the loss of wetlands due to filling with dredged material. The communities of Madisonville, Mandeville, Lacombe, and Slidell, and their accompanying suburbs, have a history of encroaching into wetlands. These wetlands may be either swamps along river bottoms or marshes fringing the lake.

Marinas and camp clusters also have an impact on the coastal zone because of a discharge of improperly treated sewage into adjacent wetlands and water courses. In addition, wetlands were historically filled to form a place for these activities to locate. These conflicts are most apparent along or in the vicinity of the Tchefuncte River, Bayou Castine, Bayou Lacombe, Northshore Beach, North Shore, Salt Bayou, and The Rigolets.

In the eastern part of the parish are hydrocarbon and mineral extraction activities. Some wells are accessed by canal and some by road. Pipelines cross the coastal zone east of Bayou Lacombe. Several scenic streams have considerable development along their banks. The coast is a complex system with many users. Conflicts and problems will occur and solutions will require compromises by all parties.

IV. THE FEDERAL AND STATE COASTAL PROGRAMS

The following pages summarize pertinent parts of the Coastal Zone Management Act of 1972, as amended, and the Louisiana Coastal Resources Program (LCPR) as excerpted from the Final Environmental Impact Statement (Office of Coastal Zone Management and Coastal Management Section 1980).

Federal Coastal Zone Management Program

In response to intense pressure and because of the importance of the coastal areas of the United States, Congress passed the Coastal Zone Management Act of 1972 (CZMA) (P. L. 92-583). The CZMA authorizes a federal grant-in-aid program to be administered by the Secretary of Commerce through the National Oceanic and Atmospheric Administration (NOAA), Office of Coastal Zone Management (OCZM). The CZMA was substantially amended in 1976 (P.L. 94-370). The Act and subsequent amendments affirm the national interest in protecting the resources of the coastal zone while at the same time allowing for some development. The CZMA provides assistance and encouragement to states for developing and implementing a program for managing its coastal areas.

Broad federal guidelines and the basic requirements of the CZMA (15 CFR Part 923) provide the necessary direction for states developing coastal programs. For approval, a state must prepare a management program that:

1. identifies and evaluates those coastal resources recognized in the CZMA that require management by the state;
2. re-examines existing policies or develops new policies to manage these resources. These policies must be specific, comprehensive, and enforceable, and must adequately predict how coastal resources will be managed;

3. determines specific uses and specific geographic areas that are to be subject to the management program, based on the nature of identified coastal concerns. Areas subject to management and their uses should be based on resource capability and suitability analyses, socio-economic considerations, and public preferences;
4. identifies the inland and seaward areas subject to the management programs;
5. provides for consideration of the national interest in planning for the siting of facilities that meet more than local requirements; and
6. includes sufficient legal authorities and organizational arrangements to implement the program and to insure conformance to it.

In arriving at these substantive aspects of the management program, states provide information to and consider the interests of the general public, special interest groups, local government, and state and federal agencies.

Section 305(c) of the CZMA authorizes a maximum of four annual grants to develop a coastal management program. After developing a management program, the state may submit a draft to the Secretary of Commerce for approval pursuant to Section 306 of the CZMA. If approved, the state is the eligible for an annual grant to implement its management program. If a program has deficiencies or has not received approval by the time Section 306 program development grants have expired, a state may be eligible for preliminary approval and additional funding under Section 305(d). Louisiana was awarded a Section 305(d) grant on May 1, 1979.

Section 307 of the CZMA stipulates that federal agency actions shall be consistent, to the maximum extent practicable, with approved state management programs. Section 307 further provides for mediation by the

Secretary of Commerce when a serious disagreement arises between a federal agency and a coastal state with respect to a federal consistency issue.

Section 308 of the CZMA contains several provisions for grants and loans to coastal states to enable them to plan for response to onshore impacts resulting from coastal energy activities. To be eligible for assistance under Section 308, coastal states must be receiving 305 or 306 grants, or, in the Secretary's view, be developing a management program consistent with the policies and objectives contained in Section 303 of the CZMA. Section 308 has been important to Louisiana. The state has received several million dollars in grants and loans; however, the money is no longer available.

The National Environmental Policy Act of 1969 (NEPA) requires that an environmental impact statement (EIS) be prepared as part of the review and approval process of major actions by federal agencies which significantly affect the quality of the human environment. An EIS was prepared on the Louisiana Coastal Resources Program. The Louisiana program met the objectives and concerns of the Federal reviewers and has received final approval for implementation in 1980.

The Louisiana Coastal Resources Program

Louisiana's response to the pressures and problems of the coastal zone came in the form of legislative action. The basis for a comprehensive coastal policy, planning, and management program became law when Act 361 (LRS 49:213), the Louisiana State and Local Coastal Resources Management Act of 1978, was signed. Even though approximately 400 amendments were proposed, passage of the legislation enabled Louisiana to continue receiving federal funds under the provisions of CZMA. More importantly, Act 361 provided the mechanism for state and local governments to use to coordinate and balance competing and conflicting activities in the coastal zone.

General Policy

Seven broad statements of public policy preface the substantive provisions of LRS 49:213 and point to the divergent interests to be accommodated by the

program. The state seeks to develop, support and encourage multiple use of the resources while maintaining and protecting, restoring, and enhancing the renewable resources, providing adequate economic growth and minimizing adverse effects of one resource use upon another without imposing any undue restriction on any one user.

Congress, in enacting the Coastal Zone Management Act of 1972, found that "... there is interest in the effective management, beneficial use, protection and development of the coastal zone." The CZMA further requires that the states adequately consider the national interest in the development and implementation of state coastal programs. The Louisiana Coastal Resources Program (LCRP) has utilized full participation by federal agencies in determining the national interest in Louisiana's coastal zone. Louisiana recognizes that coastal issues and concerns reflect a national interest in defense, energy and other facility sitings and certain resource protection issues, such as wetlands management and the protection of rare, threatened, and endangered species.

Guidelines

In order to implement the general policies, guidelines developed under the Act are the key to determining the parameters of the coastal management program. These guidelines must be followed in the development of state and local programs and serve as the enforceable criteria for the granting, conditioning, denying, revoking, or modifying of coastal use permits. The guidelines serve primarily as the substantive standards and criteria for the Louisiana Department of Natural Resources (DNR) to:

- issue of coastal use permits for activities subject to the state coastal use permit system;

- issue of in-lieu permits;

- review and approval of a local coastal management program, herein referred to as a Local Coastal Programs (LCP);

allow local governments to issue coastal use permits subject to a system administered by an approved local coastal program;

review with the governor those activities of state agencies, local governments, and deep water ports for consistency with the Louisiana Coastal Resources Program (LCRP);

review the consistency of the actions of federal agencies with the LCRP pursuant to Section 307 of the CZMA, in addition to other state policies incorporated into the LCRP.

Boundary

The coastal zone boundaries of Louisiana are as follows: on the east and west are the Mississippi and Texas borders, respectively; on the south, Louisiana's three mile seaward limit; on the north, a line generally following the Intracoastal Waterway from the Texas-Louisiana state line to Vermilion Parish and highways through Vermilion, Iberia and St. Mary Parishes, dipping southward along the natural ridges below Houma, then turning northward to I-10 to include most of the Lake Pontchartrain estuary and ending at the Mississippi line. The Louisiana coastal zone boundary (LRS 49:213 as amended) complies with the requirements of the federal Coastal Zone Management Act. All islands, beaches, salt marches, wetlands and areas necessary to control uses which have direct and significant impacts on the coastal waters are included (Section 923.31-923.33, Federal Program Approval Regulations).

The original boundary as described in LRS 49:213 has been revised three times. The first modification as provided in LRS 49:213 allowed for minor revisions in the boundary to follow corporate limits of municipalities which were originally divided. The second revision came in 1979 when the Legislature amended LRS 49:213 to include all of St. James, St. John the Baptist, and St. Charles parishes, a larger portion of Livingston Parish, and parts of Lafourche, St. Mary and Assumption Parishes. The third amendment came in 1980 when the Legislature included a portion of St. Martin Parish.

Special Management Areas

LRS 49:213 provides for the establishment of special management areas which can be either Areas of Particular Concern or Areas for Preservation and Restoration. Any person or governmental body can nominate an area as a special management area if it can be shown that the area has unique and valuable characteristics that need special management. Louisiana has named two Areas of Particular Concern: the Louisiana Superport and Marsh Island. The Louisiana Superport was designated for special management because of its unique problems and the existence of its environmental protection program. Marsh Island was chosen because it has an important role as a wildlife refuge and barrier island. As stated above other special management areas may be nominated (LRS 49:213.10).

In 1979 two amendments to Act 361 were passed which relate to special management areas. The first directs the Louisiana Secretary of the Department of Transportation and Development to identify deteriorating coastal areas and provide steps to protect them, including a pilot program to create artificial barrier islands. A second amendment to Act 361 calls for the preparation of a state plan for freshwater and sediment diversion projects to offset land loss and saltwater encroachment in coastal wetlands. These two amendments assist the LCRP in enhancing the state's coastal resources.

Organizational Responsibilities for the Program

In order to understand the organizational provisions of the state program, it is necessary to know the entity that administers the program and its relationship to the Department of Natural Resources (DNR). DNR is the state agency designated by the governor to administer the LCRP. The following are state and local responsibilities as provided by LRS 49:213.

The Department of Natural Resources

The major organizational component of Louisiana's Coastal Resources Program is DNR and its Coastal Management Division, established by Section

213.6 of LRS 49:213. DNR's responsibilities for the development and implementation of the LCRP are as follows.

1. The Federal CZM Program: DNR is the designated state agency for administration of Sections 305 (Management Program Development Grants), 306 (Administrative Grants), 307 (Federal Consistency), and 308 {Coastal Energy Impact Program (CEIP)} of the CZMA. The Secretary of DNR determines which projects among those eligible will be funded with CEIP monies. These funds are no longer available.
2. Development of Coastal Use Guidelines: At present DNR is responsible, in conjunction with the Department of Wildlife and Fisheries (DWF) for development of coastal use guidelines {LRS 49:213.8B.(1)}.
3. Implementation of Coastal Use Permit Program: DNR issues permits, monitors permitted uses to ensure compliance, and recommends enforcement measures for violations under the state coastal use permitting program. In this capacity, DNR is required to develop rules and regulations for various permitting functions, including permit procedures {LRS 49:213.11(F)}; general permits {LRS 49:213.11(E)}; and exemptions {LRS 49: 213.15(B)}.
4. Delineation of Uses of State and Local Concern: DNR is responsible, in conjunction with the Secretary of DWF, for the development of rules for the further delineation, classification, modification, and change of Uses of State Concern and Uses of Local Concern {LRS 49:213.5(C)}.
5. Development and Review of Local Coastal Programs: DNR is responsible for the development, periodic review, approval and modification of local coastal management programs {LRS 49:213.9(B)}.

6. Provision of Assistance to Local Governments: DNR is authorized to enter into contracts with local governments to provide financial assistance on a matching fund basis to aid the development and implementation of approved local coastal programs. {LRS 49:213:9(I)}.
7. Designation and Management of Special Areas: DNR is authorized to assist approved local programs and state and local agencies carrying out projects consistent with the guidelines, related to the management, development, preservation, or restoration of specific sites in the coastal zone or to the development of greater use and enjoyment of the resources of the coastal zone by financial, technical, or other means, including aid in obtaining federal funds {LRS 49:213.10(E)}.
8. Boundary Delineation: DNR is required to adopt a fully delineated and mapped coastal zone boundary, including amendments to follow the corporate limits of any municipality divided by the boundary {LRS 49:213.4(D)}.
9. Consistency Determinations: The Secretary is responsible for making determinations whether permits issued by or activities conducted by state and federal agencies are consistent with the state program and approved local programs {LRS 49:213.3(C)}. However, consistency determinations involving activities carried out under the Secretary's authority shall be made by the Governor.
10. Review of Deepwater Port Activities: DNR will ensure that the activities of deepwater ports, which do not require a coastal use permit, are consistent with LCRP and affected approved local programs (LRS 49:213.12).
11. Shoreline Indexing and Freshwater Diversion Planning: DNR is responsible for implementing the critical wetland, coastline and barrier island indexing system, barrier island projects and freshwater diversion plans {LRS 49:213.14(B)}.

12. Development of Coordinated Permit Process: DNR is required to develop a coordinated permitting process in cooperation with other governmental bodies {LRS 49:213.13}.
13. Research and Planning: DNR is to conduct investigations, studies, planning and research {LRS 49:213.6(B)(2)}.

The Louisiana Coastal Advisory Council

The Louisiana Coastal Advisory Council is composed of twenty-three members (LRS 49:213.21). The make-up of the Council is: 12 parish members and 11 members appointed by the Governor. The functions of the Council are:

1. advising the Secretary of DNR of his approval of coastal management guidelines pursuant to LRS 49:213.8;
2. advising the Secretary of DNR of his approval of the identification, designation, and utilization of special areas and the guidelines or priorities of use for special areas pursuant to LRS 49:213.10;
3. recommending procedures or measures for the reduction of overlapping efforts, activities or actions by various state and local agencies, when requested to do so by the Secretary of DNR.
4. recommending future coastal management activities, guidelines, and/or special areas when requested to do so by the Secretary of DNR; and
5. providing advice and/or recommendations upon or support for any aspect of the coastal management program as requested by the Secretary of DNR.

The Coastal Advisory Council does not have authority to adopt rules or regulations or issue permits or orders. It has no authority to enforce the

provisions of Act 361, as amended, nor can it bring lawsuits on behalf of the state to enforce statutes or regulations.

Local Governments

Act 361 provides parishes an opportunity to play an important role in further development and implementation of the LCRP. Parishes are authorized, though not required, to develop local coastal management programs for approval by DNR (LRS 49:213.9). Once its local program is approved, a parish may administer the coastal use permitting program for Uses of Local Concern proposed within the parish and receive implementation funding from the state on a matching fund basis provided under Section 213.9(J). Any governmental body undertaking, conducting, or supporting activities directly affecting the coastal zone shall ensure that such activities shall be consistent to the maximum extent practicable with the state program and any affected approved local program having geographical jurisdiction over the action {LRS 49:213.13(B)}. In summary, while local government participation in the LCRP is not required by LRS 49:213, the participation of most parishes in the development of the LCRP and the benefits from further participation indicate that most, if not all, parishes will seek to develop local coastal programs.

State Agencies

Several state agencies in addition to the DNR play key roles in the implementation of the LCRP including new roles for the Department of Wildlife and Fisheries (LRS 49:213). Pre-existing responsibilities have been incorporated into the LCRP (LRS 49:213.13).

LRS 49:213 provides the Department of Wildlife and Fisheries (DWF) and DNR with specific functions in the LCRP development process. The Secretaries of DWF and DNR participated with DOTD in the development and review of the coastal use guidelines {LRS 49:213.18(C)}. DWF and DNR participated with DOTD in developing rules for further delineation and modification of the list of Uses of State Concern or local concern which are subject to coastal permits. In cooperation with DNR, DWF will participate in determining whether the activities

of and permits issued by other state agencies are consistent with the state program and affected local program {LRS 49:213.13(D)}.

The Office of Conservation of the Department of Natural Resources (OC/DNR) is responsible for the issuance of in-lieu permits {LRS 49:213.12}.

The LCRP provides for inclusion of existing state regulatory programs into the LCRP. The following are summaries of existing state agency responsibilities for the programs.

Department of Natural Resources (DNR)

DNR has primary responsibility for the conservation, management, and development of water, minerals, and other natural resources of the state. Within DNR, but retaining independent authority over their functions, are the Commissioner of Conservation in the Office of Conservation and the State Mineral Board in the Office of Mineral Resources.

Department of Environmental Quality (DEQ)

DEQ has primary responsibility for the administration of air and water quality policies, solid and hazardous waste management and nuclear energy and radiation control.

Department of Transportation and Development (DOTD)

The Department of Transportation and Development's activities in the coastal zone include constructing of state highways, handling of public works projects, setting of standards for water wells and commenting on pipeline crossings and construction of levees.

Department of Wildlife and Fisheries (DWF)

In addition to the roles and responsibilities provided by LRS 49:213, the Department of Wildlife and Fisheries has primary responsibility for the control and supervision of the wildlife and fisheries of the state, including the

management, protection, conservation and replenishment of wildlife, fish, and aquatic species; the management of wildlife management areas, refuges and preserves; aquatic weed control; scenic rivers; and the granting of oyster and shell leases.

Department of Health and Hospitals (DHH)

This department is primarily responsible for the development and provision of health and medical services for the prevention of disease and for certain aspects of regulation to the environment, including oyster and shellfish pollution control, sewage disposal, noise, and noxious odors.

Department of Culture, Recreation and Tourism (DCRT)

This department has primary responsibility for the development, maintenance, and operation of the state library, park, recreational, museum, and other cultural facilities; the statewide development and implementation of cultural, recreational, and tourism programs; and planning for future leisure needs. DCRT's responsibilities for protecting archaeological and historical sites in the coastal zone is coordinated with LCRP.

Department of Public Safety (DPS)

DPS's responsibility for certain aspects of pipeline safety must be coordinated with the LCRP.

Methods of Program Implementation

The Coastal Use Permit Program

LRS 49:213 provides for the development of the coastal use permit program as the principal means of implementing the policies contained in LRS 49:213. Initially, the coastal use permit program was implemented entirely by DNR, with local governments assuming permit responsibilities for Uses of Local Concern as their local coastal programs are approved by DNR.

In addition to mandating the development of the coastal use permit guidelines, LRS 49:213 requires the development of additional substantive and procedural rules related to, among other things, the implementation of the coastal use permit program.

Uses Subject to the Coastal Use Permit Program

LRS 49:213 provides for determining activities subject to the coastal permit process, whether such activities are uses of state or local concern, and which sets of activities are exempt from the permit process. LRS 49:213(3) defines a use subject to the coastal use permit program as "any use or activity within the coastal zone which has a direct and significant impact on coastal waters." Coastal waters are defined in LRS 49:213.3(3) as: "Bays, lakes, inlets, estuaries, rivers, bayous, and other water bodies within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions) over a period of years."

In order to provide additional guidance to persons using the coastal area, DNR has issued rules and procedures for coastal use permits {LRS 49:213.11(B)} or in-lieu permits from the Office of Conservation of the Department of Natural Resources (OC/DNR). The following are Uses of State or Local Concern subject to the permit requirements.

1. Dredging or filling and discharges of dredged or fill material.
2. Levee siting, construction, operation and maintenance.
3. Hurricane or flood protection facilities, including siting, construction, operation, and maintenance of such facilities.
4. Urban developments, including the siting, construction and operation of residential, commercial, industrial and governmental structures and transportation facilities.
5. Energy development activities, including siting, construction and operation of generating, processing and transmission facilities,

pipeline facilities, and exploration for and production of oil, natural gas, and geothermal energy.

6. Mining activities, including surface, subsurface, and underground mining, geothermal energy, sand or gravel mining and shell dredging.
7. Wastewater discharge, including point and non-point sources.
8. Surface water control or consumption, including marsh management projects.
9. Shoreline modification projects and harbor structures.
10. Waste disposal activities.
11. Recreation developments, including siting, construction and operation of public and private recreational facilities and marinas.
12. Industrial development, including siting, construction and operation of such facilities.
13. Any other activities or projects that would require a permit from the U.S. Army Corps of Engineers, the Environmental Protection Agency, or the Louisiana Department of Natural Resources.
14. Activities which impact barrier islands, salt domes, cheniers, and beaches.
15. Drainage projects.

LRS 49:213.15 and associated regulations provides that the following uses which normally do not have direct and significant impact on coastal waters are exempt from the coastal program, except as provided below.

1. Activities occurring wholly on lands five feet or more above mean sea level (MSL) except when the Secretary finds that the particular activity would have direct and significant impacts on coastal waters.
2. Activities occurring within fastlands except when the Secretary finds that the particular activity would have direct and significant impacts on coastal waters.
3. Agricultural, forestry, and aquaculture activities on the lands consistently used in the past for such activities.
4. Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.
5. Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements.
6. Uses and activities within the special area established in Section 213.10(C) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan.
7. Construction of a residence or camp.
8. Construction and modification of navigational aids, such as channel markers and anchor buoys.

Fastlands on which certain activities are exempt are defined as:

Lands surrounded by publicly owned, maintained, or otherwise validly existing levees, or natural formations, as of January 1, 1979 or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the

surrounding area from having direct and significant impacts on coastal waters. LRS 49:213.3(9)

Any use or activity which, prior to the initiation of the coastal use permit program, has been lawfully commenced in good faith and for which all required permits have been obtained is consistent with the Coastal Management Program and no coastal use permit is required. Moreover, such use or activity shall thereafter be consistent with the program even if renewals of previously issued permits become necessary or if new permits are required by other governmental bodies provided that there is no significant change in the nature, shape, size, location or impacts of the use or activity. To be so exempt, a use or activity must have met the following requirements prior to the date of the coastal use permit program:

1. actual construction or operation of the use or activity must have begun, in good faith;
2. all permits, licenses and clearances required by governmental bodies must have been obtained, and the use or activity must be in compliance with them; and
3. no significant change in the nature, size, location or impacts of the use or activity takes place.

LRS 49:213 also provides guidance for uses which are most appropriately managed by either the state or local governments through the coastal permit program. LRS 49:213.13 defines these as "Uses of State Concern" and "Uses of Local Concern." Until such time as local coastal programs are approved by DNR pursuant to the procedures summarized below, DNR will be responsible for permitting both types of uses. Upon approval of its program, a local government will be granted the authority to issue permits for Uses of Local Concern. The permitting of Uses of State Concern, however, remains the responsibility of DNR regardless of the status of the local program for the area within which a use is proposed.

Uses of state concern are those uses which directly and significantly affect coastal waters, which are in need of coastal management, which have impacts of greater than local significance, or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:

1. any dredge or fill activity which intersects with more than one water body;
2. projects involving use of state owned lands or water bottoms;
3. state publicly funded projects;
4. national interest projects;
5. projects occurring in more than one parish;
6. all mineral activities, including exploration for and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses;
7. all pipelines for the gathering, transportation or transmission of oil, gas, and other minerals;
8. energy facility siting and development;
9. Uses of Local Concern which may significantly affect interest of regional, state, or national concern.

Uses of Local Concern are defined and listed as {LRS 49:213.5(A)(2)} those uses which directly and significantly affect coastal waters and are in need of coastal management but are not Uses of State Concern and which should be regulated primarily at the local level if the local government has an approved program. Uses of Local Concern shall include, but not be limited to:

1. privately funded projects which are not Uses of State Concern;

2. publicly funded projects which are not Uses of State Concern;
3. maintenance of Uses of Local Concern;
4. jetties or breakwaters;
5. dredge or fill projects not intersecting more than one water body;
6. bulkheads;
7. piers;
8. camps and cattlewalks;
9. maintenance dredging;
10. private water control structures of less than \$15,000 in cost;
11. uses on cheniers, salt domes, or similar land forms.

LRS 49:213.5(C) and 213.11(C) provide for the orderly determination of whether a proposed action is a use of state or local concern in cases where a use is proposed in a parish with an approved local program and there is insufficient guidance contained in the above statutory language {Section 213.11(C)(1)}. The initial determination is by the local government, subject to review and approval of the Secretary of DNR or his designee, whose determination may be appealed by the local government to the courts. Criteria are:

1. the specific terms of the uses as classified in LRS 49:213;
2. the relationship of a proposed use to a particular use classified in LRS 49:213;

3. a use not predominantly classified as either state or local by LRS 49:213 or a use which overlaps the two classifications shall be of local concern unless it:
 - a. is being carried out with state or federal funds,
 - b. involves the use of, or has significant impacts on, state or federal lands, water bottoms or works,
 - c. is mineral or energy production and transportation related,
 - d. involves the use of or has significant impacts on barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's offshore jurisdiction,
 - e. will result in major changes in the quantity and quality of water flow and circulation or in salinity or sediment transport regimes, or
 - f. has significant interparish or interstate impacts.

The Local Coastal Management Program Development and Approval Process

LRS 49:213.9 requires that the DNR develop and adopt, after notice and public hearing, rules and procedures for the development, approval, modification and periodic review of local programs. LRS 49:213.9(C) provides that the rules and procedures adopted pursuant to this Section shall be consistent with the state guidelines and shall provide particularly, but not exclusively for the following.

1. Local government, in developing local programs, shall afford full opportunity for municipalities, state and local government bodies, and the general public to participate in the development and implementation of the local program.
2. A public hearing to receive comments on a proposed local program shall be held in the area to be subject to the program by

the local government proposing the program or its duly appointed local committee.

3. A local program developed under this Section shall be consistent with the state guidelines and with the policies and objectives of this part and particularly, but not exclusively, consist of:
 - a. a description of the natural resources and the natural resource users of the coastal zone area within the parish, the social and economic needs within a particular area of the coastal zone of the parish, and the general order or priority in which those needs which directly and significantly affect coastal waters should be met within the coastal zone of the parish;
 - b. procedures to be used by the local government to regulate Uses of Local Concern; and
 - c. special procedures and methods for considering uses within special areas, uses of greater than local benefit, and uses affecting the state and national interest.

The Coastal Use Permit Process

One of the purposes and goals of LRS 49:213 is to expedite and streamline the permitting process. Most applications should be processed and the decision upon them rendered within a 45-day period. Those requiring a public hearing and those decisions which are appealed will take a longer period. The permit review process is typical of many such procedures; however, it is to be conducted within a limited time frame. The following is a brief summary of the permit process.

A permit application is submitted to DNR or a local government with an approved program. If it is submitted to the local government, a copy is sent to DNR within two (2) days. Within 10 days of receipt of an application, DNR gives public notice of the application, distributes copies to appropriate state, federal,

and local agencies and requests public and governmental comment. The decision whether a public hearing should be held is made during the comment period. If the application is found to be incomplete or inaccurate after the review has begun or if additional information from the applicant is necessary for evaluating the application, the process and processing period are stopped until the information is provided.

The application is reviewed for compliance with the coastal use guidelines, the other laws and regulations incorporated into the LCRP, relevant local programs and other aspects of the LCRP. A field inspection may be made. Within 30 days of the public notice or within 15 days after the public hearing, a decision to approve or deny the permit must be made. If the permit is proposed to be granted, a draft will be sent to the applicant for his acceptance of the permit conditions. Upon return of the signed draft and signature by the permitting official, the permit is issued. Public notice of the decision on the permit is given.

Within 30 days after public notice of the decision, the applicant, the Secretary of DNR, any affected local government or affected local, state or federal agency, an "aggrieved person" or any person adversely affected by a decision may petition for reconsideration to the Secretary in writing within ten (10) days of the public notice of a final coastal use permit or local program decision. The Secretary renders a decision on the reconsideration within fifteen (15) days of its receipt. As final recourse, proceedings for review may be instituted by filing a petition in the district court of the parish in which the proposed use is to be situated within 30 days after mailing of notice of the final decision by the Secretary or, if a reconsideration is requested, within 30 days after the decision. The courts must give case "preference and priority" and allow trial de novo at the request of any party.

Program Implementation and Monitoring

The Secretary of DNR is directed {LRS 49:213.6(B)(3)} to systematically monitor and conduct surveillance of permitted uses to ensure that conditions of coastal use permits are satisfied. To accomplish these task, the Coastal Management Division has added (as of January 1, 1986) a Field Investigations Section. This section is designed to perform on-site permit investigations, violation

inspections, follow-up investigations, pre-application surveys, and routine monitoring trips. There are seven (7) trained professional biologists on staff located in four (4) field offices: New Orleans, Houma, Lafayette, and Lake Charles. These investigators are equipped with cars, boats, motors, and sampling equipment in order to assess environmental conditions on-site and to recommend project changes and/or mitigation and restoration for particular sites. These data are forwarded to the Permit Section of CMD for use in the decision-making process. Coordination with other state, federal and local agencies, as well as with parish program personnel, is also handled by the field investigators on all site inspections. CMD personnel from Baton Rouge will also conduct field investigations of select permit applications to provide additional information on the proposed site, likely impacts, and feasible alternatives.

Monitoring is accomplished through agreement with OC/DNR. Presently, OC/DNR conducts field investigations during oil, gas and mineral exploration, production and abandonment activities. In carrying out their "in-lieu" permit responsibilities, field investigators assure that mineral activities are consistent with the guidelines. In addition to field inspection, CMD/DNR coordinates with state and federal agencies to use high altitude photography as a means of monitoring changes in coastal land use and environmental conditions.

Enforcement and Penalties

The Secretary or his designee and each local government with an approved LCP program must initiate a field surveillance program {LRS 49:213.7(A)} to insure enforcement of the management program. The LCRP relies on a Field Investigations Section to perform all on-site violation inspections and to routinely monitor all coastal areas for assurance of project compliance with coastal use permits and conditions. The Secretary of DNR and each local government with an approved LCP has authority as to uses under its jurisdiction {LRS 49:213. 17(B)} to issue cease and desist orders or suspend, revoke, or modify coastal use permits. The Secretary, the CMD Administrator, the Attorney General, or local governments with an approved program may bring injunctive or declaratory actions to ensure that no uses are made of the coastal zone which have not been permitted when a CUP is required or which do not comply with the terms and conditions of the coastal use permit.

LRS 49:213.17(E) authorizes the court to impose civil liability, assess damages, require restoration or impose other reasonable sanctions for uses conducted in the coastal zone that have not received a coastal use permit when a CUP is required. The court may also impose a fine of not less than one hundred dollars (\$100.00) or not more than five hundred dollars (\$500.00), or imprisonment for not more than ninety (90) days, or both for violation of any of the provisions of the LCRP or any rules and regulations issued pursuant to the LCRP or terms or conditions of the coastal use permit.

Civil enforcement for the CMD is primarily handled by DNR. Criminal enforcement is handled by the Louisiana Attorney General for CMD issues CUPs while the parish or district attorney will handle violations for LCP issued CUPs.

Other State Permits

As indicated above, several other state regulatory programs have been incorporated into the LCRP. These programs will continue to implement their own statutory mandates without direct reference to the coastal use guidelines. Most major activities that need a coastal use permit also require one or more other state permits. CMD/DNR seeks to coordinate the coastal use permit review with the review procedures of other state permits. This coordination includes the sharing of information and the development of the coordinated permit process. The major state permit programs incorporated in the LCRP are summarized below.

Oil, Gas and Mineral Operation Permits. Certain aspects of oil, gas and other mineral activities in the coastal zone require a permit from OC/DNR pursuant to its statutory authority existing on January 1, 1979. Permits for these specific activities are issued in-lieu of coastal use permits. Because of the state and national interest in facilitating energy production while at the same time avoiding or minimizing adverse impacts to coastal resources, these permits are closely coordinated with the LCRP at the state and local level. The Secretary of DNR has signed a memoranda of understanding (MOU) with the OC/DNR to facilitate the overall state permitting process for these activities.

State Lands Management. The proprietary activities of the state related to state owned waterbottoms, wetlands, and other state owned areas often directly affect the coastal zone. When a state agency conducts its own activities in the coastal zone, LRS 49:213 requires that it ensure that its activities are consistent to the maximum extent practicable with the LCRP and any approved local program through the coastal permit program. Private parties will also need a coastal permit whenever the use of state lands directly and significantly impacts the coastal waters.

Air and Water Quality Permits. Section 307(F) of the CZMA requires that the federal and state standards of the Federal Water Pollution Control Act and the Clean Air Act be incorporated into all state coastal management programs and be the water pollution control and air pollution control requirements of the state program. The LCRP incorporates existing state air and water programs that are the responsibility of the Louisiana Department of Environmental Quality (DEQ).

Solid, Nuclear, and Hazardous Waste Permits. Because of the potential adverse impacts from activities related to the transportation, storage, and use of waste products on the coastal zone, the existing state permit programs controlling these activities are incorporated into the LCRP. Permits for the transportation, storage, and use of the waste products are the responsibility of DEQ. It is a primary objective of the LCRP that adverse impacts on coastal resources from these activities be avoided or minimized.

Deepwater Port Activities

Special procedures are provided for the management of deepwater port activities (LRS 49:213.13):

Deepwater port commissions and deepwater port, harbor and terminal districts, as defined in Article VI, Sections 43 and 44 of the Louisiana Constitution of 1974, shall not be required to obtain coastal use permits, provided, however, that their activities shall be consistent to the maximum extent practicable with the state program and affected approved local programs. LRS 49:213.13.

Deepwater port commissions and deepwater port, harbor and terminal districts are defined (Article VI Section 44(7) of the 1974 Constitution) as "those commissions or districts within whose territorial jurisdiction exist facilities capable of accommodating vessels of at least twenty-five feet of draft and of engaging in foreign commerce." The Port of Lake Charles, the Port of Greater Baton Rouge, the South Louisiana Port Commission, the Port of New Orleans and the Port of Plaquemines meet these criteria. The Port of Baton Rouge is entirely outside of the coastal zone. All activities of the South Louisiana Port Commission are on the Mississippi River and are only indirectly affected by the LCRP. While many activities of the Port of New Orleans are located on the Mississippi River, they also conduct extensive activities in the tidewater area, the Innerharbor Navigation Canal, the Mississippi River-Gulf Outlet, and the Gulf Intracoastal Waterway.

The LCRP utilizes two methods to be certain the actions and activities of these deepwater ports are consistent with the state program and the approved local programs. The first is the consistency review procedure {LRS 49:213.13(D)}, and the second is a memoranda of understanding with the port, harbor and commissions when appropriate.

To implement the first method on consistency, on an ongoing basis, the LCRP monitors port activities including A-95 materials submitted by ports, to determine if any port activities have not previously been coordinated with the Secretary. If some are found to be inconsistent with the LCRP, the Secretary shall notify the Secretary of DWF and the affected deepwater port commissions, pursuant to 213.13(D) of La. R.S. 49:213. Section 213:13(D) requires that the port authorities coordinate with the Secretaries. Comments from the Secretaries must, to the maximum extent practicable, be incorporated into the proposed action. If the port authority does not follow these requirements, court action may be necessary.

Because of the location and number of activities of the Port of New Orleans in the coastal areas, an interim memorandum of understanding exists with the Port until such time as, and if, it is designated a Special Area. This Memorandum of Understanding provides that the Port will coordinate with the LCRP activities at

early planning stages and at least prior to requesting permits from other governmental agencies.

State and Local Governments Activities Directly Affecting the Coastal Zone

LRS 49:213.13(B) provides:

Any governmental body undertaking, conducting, or supporting activities directly affecting the coastal zone shall ensure that such activities shall be consistent to the maximum extent practicable with the state program and any affected approved local programs having geographical jurisdiction over the action.

Coastal use permits are required for governmental actions having direct and significant impacts on coastal waters (eg., development projects) that occur in the coastal zone, thereby assuring consistency with the LCRP. Governmental actions outside the coastal zone and those exempt from the coastal use permit process, however, are to be consistent if they directly affect the coastal zone. These activities generally fall into two categories: (1) the governmental body carries out a development project outside the coastal zone that directly affects the coastal zone, and (2) the governmental body funds or plans a development project in the coastal zone. Assurance that these activities are consistent with the LCRP is accomplished through two methods employed by CMD/DNR.

The first method is by agency coordination procedures set forth in a MOUs between CMD/DNR and respective governmental bodies. These MOU's specify that the other agencies will conduct their activities consistent with the guidelines and coordinate with the CMD/DNR at early planning stages to assure consistency with the LCRP. In this regard, it must be pointed out that other state laws presently require any state agency conducting activities which affect state-owned water bodies to coordinate with the Office of Public Works and the Department of Wildlife and Fisheries for engineering suitability and impacts on wildlife and fishery activities. MOUs with state agencies assure that they coordinate their review with the guidelines and notify the CMD/DNR of any of their activities that may directly affect the coastal zone.

The second method for consistency determination by CMD/DNR is through a review of the U.S. Army Corps of Engineer permit application and A-95 materials to determine if construction, funding and planning activities of state and local governments are consistent with the LCRP and if they occur in or directly affect the coastal zone. Private activities funded by the agencies which are conducted in the coastal zone normally require a coastal use permit, thereby assuring CMD/DNR review for consistency with the LCRP. Government actions directly affecting the coastal zone are also subject to consistency review (LRS 49:213.13B, C, and D).

Joint State and Corps of Engineers Permitting Process

A joint public notice process between CMD/DNR and the New Orleans District Corps of Engineers has been established for activities occurring within the coastal zone. The procedures provide for joint applications, public notices, and public hearings. Procedures for the establishment of a coordinate enforcement program, including a surveillance and monitoring program, have also been implemented with the New Orleans District. A joint permit process between CMD/DNR and the Vicksburg District is currently being formulated for activities occurring in the coastal zone within the Vicksburg District's regulatory jurisdictional area.

Coordination Permit Process

LRS 49:213.14(B) directs the Secretary of DNR, local governments and all other relevant governmental bodies to establish a coordinated coastal permitting process through interagency agreements. DNR helps the LCP initiate the development of a coordinated permitting process during the first year of the LCP. The objective is to expedite and streamline the issuance of coastal use permits and all other permits or approvals from other governmental bodies that have separate regulatory jurisdiction or authority over uses of the coastal zone. The ultimate goal of this coordinated coastal permitting process is to develop an application form which contains sufficient information so that all affected governmental agencies can carry out their review responsibilities, a "one

window" system for applications, one public hearing and a reduction in the period for permit reviews.

The CMD/DNR integrates the coordinated permitting process with a computerized permit tracking system to ensure that the evaluation of each application is more effective in terms of time, cost and quality of review.

V. THE LOCAL COASTAL PROGRAM

Overview of the Local Program

The St. Tammany Parish Local Coastal Program has been developed:

1. to protect, enhance, and, where possible, restore the renewable resources of the coastal wetlands for the enjoyment and long-term benefit of parish residents;
2. to promote those water dependent uses in riparian areas and wetlands that preserve and protect the physical, biological, scenic, and historical resources of the parish;
3. to develop a local coastal program that has clear and concise administrative procedures and does not conflict with federal and state legislation and regulations;
4. to protect public health, safety, and welfare;
5. to implement those goals, objectives, and policies which make possible a viable local coastal management program; and
6. to educate the general public on the value of renewable coastal resources and ways to avoid conflicts between user groups.

The St. Tammany Parish Local Coastal Program (LCP) includes a declaration of parishwide goals and objectives for the coastal zone; a general description of the environmental management units (EMU) of the parish; the areas of jurisdiction for the LCP; a discussion of the LCP permit system for Uses of Local Concern; procedures for evaluating Uses of State Concern; regulations for designating special management areas; development of a process for intergovernmental coordination for local regulatory programs; and a parish ordinance implementing the LCP.

St. Tammany Parish Goals, Objectives and Policies

Goals, objectives, and policies for the St. Tammany Parish coastal zone result from an analysis of the present and probable future environmental and socio-economic conditions of the parish. They are intended to encourage long-term plans for the coastal zone. In addition, recommendations for individual EMUs are presented in Chapter 6.

LCP Objectives, Policies, and Performance standards which directly or indirectly affect Uses of State Concern shall not be construed as being regulatory or binding on either the permit applicant or the CMD/DNR, but are for the purpose of submitting the Parish environmental review comments to the State on applications for Uses of State Concern. Local policies which contain prohibitions, restrictions or performance standards beyond the scope of the Coastal Use Guidelines (CUG) shall be considered as advisory by the Parish, the CMD/DNR, and permit applicants (i.e., mandatory policies with "shall" are modified such that "should" is the operative verb).

Parish comments to CMD/DNR on proposed Uses of State Concern shall be based on the policies of the LCP and may recommend specific project alternatives and conditions. CMD/DNR consideration of Parish recommendations shall be based on the conformance of the recommendation with the CUGs. Recommendations which reflect further detailing of the CUGs as they apply to the Parish shall be given substantial consideration by the CMD/DNR with the objective of maximizing conformances with the approved LCP. Recommendations which are not in conformance with the CUGs shall not be considered by the CMD/DNR.

St. Tammany Parish does not promote or encourage the alteration of wetlands for any reason. There may be times that alteration of wetlands is justified if the use is water dependent, no feasible alternative exists, and the ultimate benefits outweigh the environmental impacts. However, simply because a use is water dependent does not in any way mean that it may occur in coastal wetlands areas. Language in the St. Tammany Parish Local Coastal Plan and the accompanying ordinance that seems to suggest that the Parish in any way encourages development in coastal wetlands areas is to be considered within the scope of the above statements.

Goal 1

To maintain, enhance, and/or restore the overall environmental quality and renewable resource productivity of the parish coastal zone.

Objective 1: To protect water quality

1. Request maximum surveillance and enforcement from state and federal agencies for all water quality standards of the Environmental Protection Agency, Louisiana Department of Environmental Quality, and the Louisiana Department of Health and Hospitals.
2. No hydrocarbons, substances containing hydrocarbons, drilling mud, drilling cuttings, and toxic substances from any land uses shall be allowed to enter waterways and wetlands. Discharge of pathogens or toxic substances into coastal waters shall be prohibited.
3. Discharges of suspended solids that degrade the quality of coastal waters, for example from dredging or erosion from construction sites, shall be minimized by employing techniques that help retain sediment onsite. Clearing of vegetation from construction sites shall be in compliance with the parish tree ordinance. Vegetated buffer zones along water courses and turbidity screens shall be required where practicable.
4. Deadend canals or canals that restrict circulation shall be avoided to the maximum extent practicable. Approved canals shall be designed and constructed using the best available techniques (maximizing canal widths, minimizing canal depths, preventing surface runoff into canals, avoiding deadend designs, etc.) to avoid water stagnation and eutrophication.
5. Activities that contribute to the creation of low dissolved oxygen conditions in the coastal zone shall be avoided to the maximum extent practicable.
6. The diversion of freshwater into Lake Pontchartrain through siphons, control conduits and canals to introduce freshwater and nutrients into the Pontchartrain estuary shall be encouraged and

utilized whenever and wherever they enhance the viability and productivity of the system.

7. The location and operation of solid waste storage, treatment, and disposal facilities shall be avoided in the wetlands, and the best practical techniques shall be used to minimize adverse impacts which may result from existing sites.
8. The generation, transportation, treatment, storage, and disposal of hazardous wastes shall comply with regulations of the Department of Environmental Quality and the Environmental Protection Agency.
9. Sewage facilities shall be designed and constructed to withstand predictable adverse conditions, including hurricane storm surge, without releasing pollutants.
10. Sewage facilities and solid waste sites shall be designed and constructed using the best techniques to prevent leaching, to control leachate production, and to prevent the movement of leachate into the surrounding wetlands and water bodies.
11. Overland flow systems for non-toxic, biodegradable wastes and the use of swamp lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged and recommended.
12. All solid, toxic, and hazardous waste sites shall be marked and, to the maximum extent practicable, all components shall be identified.
13. Existing solid waste sites in the coastal zone with identifiable pollution problems that are not feasible and practical to correct, shall be closed and either removed or sealed, and shall be properly revegetated with native species.

14. Solid waste generated in the coastal zone shall be collected and transported to approved disposal sites.
15. Radioactive waste shall not be temporarily or permanently disposed of in the coastal zone.
16. Upland runoff and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, and not significantly modify the volume, rate of flow, or seasonality of discharge to the maximum extent practicable.
17. Runoff and erosion from agricultural lands shall be minimized through the best practical techniques, such as vegetated buffers along water courses, contour farming, and the maintenance of a vegetative cover.
18. All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing the best practical techniques to withstand predictable adverse conditions without releasing pollutants.
19. The use of dispersants, emulsifiers, and other similar chemical agents on oil spills shall be discouraged and not used without the prior approval of the Coast Guard, the Environmental Protection Agency, and the Louisiana Department of Environmental Quality.
20. Mineral exploration and production sites shall be cleared, revegetated, detoxified and otherwise restored as near as practicable to their original condition upon termination of operations.
21. The sources of water pollution, such as urban and agricultural runoff, inadequately treated sewage, and industrial waste discharges, shall be identified, the discharges characterized, and

methods proposed by federal, state, and local governments for mitigating the problems.

22. Sewerage collection systems shall be upgraded and repaired, to prevent pollutants from entering the coastal zone. Sewerage treatment plants shall be upgraded, consolidated, or replaced to meet future parish needs.
23. Industrial waste discharged into the storm drainage system shall be reduced to meet limits set by EPA and DEQ. Pre-treatment shall be required for all industries.
24. Derelict boats, barges, other watercraft, as well as pilings, docks, piers, and similar facilities shall be removed from the parish waterways before they degrade the water quality, become a hazard to navigation, or pose a threat to the public health, safety, or welfare.

Objective 2: To prevent the degradation of air quality

Maximum surveillance and enforcement of all air quality standards of the Louisiana Department of Environmental Quality and the Environmental Protection Agency shall be requested.

Goal 2

To conserve the integrity of the productive wetland areas.

Objective 1: To maintain natural hydraulic systems, or when necessary, manage hydrologic patterns.

1. Impounding of unmodified or productive wetlands shall be avoided to the maximum extent practicable.
2. Levees (hurricane) shall be located at the non-wetland/wetland interface or inland to the maximum extent practicable. They shall

be designed, built, operated, and maintained utilizing the best practical techniques to minimize disruptions of the hydrologic patterns, the transport of beneficial nutrients and sediments, and aquatic organisms between enclosed wetlands and those outside the levee system.

3. Access shall be permitted only along existing transportation corridors, rights-of-way, canals, and bayous. Multiple use of existing canals shall be practiced to the maximum extent possible to minimize modification of natural systems and to minimize adverse impacts on wildlife and fisheries habitat.
4. When dredging of existing canals is required, spoil shall be deposited utilizing the best practical techniques to avoid modification of water movement and the degradation of water quality. Spoil shall be treated as a resource and handled in a manner which results in the creation of wetlands or tidal flats.
5. Runoff from developed areas and agricultural fields shall, to the maximum extent practicable, be managed to duplicate natural hydrologic patterns and quality.
6. Mineral exploration and production facilities shall be, to the maximum extent practicable, designed, constructed and operated so that they maintain natural hydrologic regimes, avoid blocking drainage patterns, and not cause erosion of uplands or canal banks.
7. Culverts shall be located where streams, sloughs, and wetlands are crossed by existing roadway embankments, along newly constructed roadways, and canal systems. The maximum spacing between culverts in facilities that cross wetlands shall be 500 feet. The openings of the culverts shall be maintained so as to allow for free exchange of water and aquatic species.

8. Air-cushion vehicles, hovercraft, and helicopters shall be encouraged for the transportation of equipment and personnel throughout wetlands.
9. The smallest possible levees shall be constructed around well sites or production facilities.

Objective 2: To maintain or restore natural salinity levels.

1. Unpolluted freshwater tributaries to the wetlands shall be maintained and protected.
2. Withdrawal of surface water and extraction of groundwater shall not cause saltwater intrusion or land subsidence.
3. Non-navigational canals, channels, and ditches which connect more saline conditions with fresher wetlands shall be plugged at waterway crossings and at intervals between crossings in order to maintain water quality. The plugs shall be properly maintained.
4. Existing artificial canals shall be plugged using state-of-the-art techniques upon abandonment of use.
5. When maintenance dredging is required, dredge material shall be used to reduce saltwater intrusion, to fill inactive canals to marsh level, to create wetlands, and mudflats. The spoil shall be treated as a resource.
6. Brines from mineral exploration or extraction shall not be discharged into open water or wetlands.
7. Weirs and water control structures shall be systematically employed when their existence prevents saltwater intrusion or loss of wetlands. They shall be designed and built using the best practical techniques to prevent "cut arounds" while at the same

time maintaining tidal exchange and the migration of aquatic organisms. A wetlands management plan shall be developed for the wetlands of the parish.

Objective 3: To enhance or restore wetlands that have deteriorated due to erosion and/or subsidence.

1. Stabilizing material, other than concrete bulkheads, that allow for the colonization of vegetation shall be used on areas of severe erosion, such as along canals, rivers, or the Lake Pontchartrain shoreline.
2. Dredged material from permitted activities shall be treated as a resource and used to restore deteriorated wetlands where feasible and not to the detriment of a unique feature or community.
3. A comprehensive plan shall be prepared that identifies wetlands for restoration. These areas can include abandoned access canals, subsided areas, and degraded wetlands.
4. Revegetation of restored areas or newly created land shall be accomplished with native plant materials that are appropriate for the elevation and salinity conditions of the site.
5. Shoreline structures shall be designed and built using best practical techniques to minimize adverse environmental impacts. Shoreline hardening structures shall be discouraged to the maximum extent practicable in order to allow for the natural evolution of wetlands.
6. Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, shall not interfere with navigation, and, whenever practical, shall be designed for fishing and recreational use by the public.

7. To the maximum extent practicable all allowed uses and activities shall be planned, sited, designed, constructed, operated, and maintained to avoid:
 - a. Destruction or adverse alterations of streams, wetlands, tidal passes, inshore waters and waterbottoms, beaches, and other natural biologically valuable areas or protective coastal features.
 - b. Detrimental changes in existing salinity regimes.
 - c. Adverse modification of littoral processes.
 - d. Reductions or blockage of water flow or natural circulation patterns within or into estuarine habitats.
 - e. Land loss by erosion and/or subsidence.
8. The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities, such as canals.
9. Existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas in the wetlands.
10. Spoil disposal areas shall be designed, constructed, and maintained using the best practical techniques to retain the spoil onsite, reduce turbidity in adjacent areas, and retard shoreline erosion. Spoil shall be used as a resource (to the maximum extent practicable) to improve productivity or create new habitat, to reduce or compensate for environmental damage done by the dredging activity, and to prevent other environmental damages.
11. Sediment may be used to offset land loss, to create or restore wetlands, or as foundation material outside of wetlands. Such

systems shall only be utilized as part of a federal, state, and locally approved plan.

Objective 4: To maintain or improve wetlands quality.

1. Oil and gas activities shall utilize existing linear facilities and employ directional drilling from these facilities to the maximum extent practicable.
2. Turbidity screens shall be required during dredging operations.

Goal 3

To encourage only water dependent uses of the coastal zone to the extent consistent with federal and state programs and regulations.

Objective 1: Non-water dependent uses shall be discouraged from being located on or near the water or wetlands, to the maximum extent practicable. Proposed uses require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose, i.e., they are water-dependent. .

1. Plans shall limit the alteration of wetlands by restricting to the maximum extent practicable development activities to those activities that are intrinsically associated with coastal waters.
2. Plans shall minimize the need for federal and state relief efforts resulting from floods by considering surge heights, shoreline erosion, foundation conditions, and productivity of the area in the early stages of project development.
3. Projects shall minimize damage to public facilities and utilities such as water and gas lines, electric, telephone and sewer systems, and streets or bridges located in high flood hazard zones.

4. Plans shall minimize the placement of infrastructure that encourages uses in the coastal zone that are not water dependent.
5. Developers shall insure that those who occupy areas of special hazards are aware of the consequences of their actions.
6. Plans shall restrict uses in high flood hazard areas that jeopardize public health, safety, and property, or that result in increased erosion, flood heights, or velocities.
7. Structures shall be floodproofed and elevated over the 100 year flood level at the time of construction.
8. Alterations in natural floodplains, and particularly in the floodway, shall be prohibited to the maximum extent practicable to protect against loss of life and property from flooding.
9. Critique emergency evacuation plans for developments that expose concentrations of people to flooding or storm surge .
10. Once every five years or after every catastrophic event (declared emergency) review the evacuation plan and require revisions as needed.
11. Insure local compliance with federal Executive Orders 11988 and 11990.

Objective 2: To direct more intense development to higher grounds.

1. Pursue federal, state, and local sources for funding of parish comprehensive plans.
2. Encourage only those activities that require access or proximity to or siting within the special aquatic site to fulfill its basic purpose.

3. Incorporate design features into projects that enhance their aesthetic appeal and economic value to the developer and the parish.
4. Encourage the use of design features to protect the environmental quality and integrity of the coastal waters and wetlands.
5. Encourage practices that limit downstream adverse impacts resulting from upland development.

Objective 3: To restrict nonwater-dependent uses to such areas as spoil banks, the Pleistocene surface, existing fastlands, and severely altered areas, such as along existing transportation corridors.

Goal 4

To enhance opportunities for recreational use of the coastal zone.

Objective 1: To make provisions for access to proposed and existing public recreation areas.

1. Develop funding sources for land acquisition, facilities, operations and long-term maintenance. A program setting priorities for these actions and similar multiuse activities shall be developed and implemented.

Objective 2: Protect unique wetlands for recreational uses that require a natural setting.

1. Acquisition of highly productive areas as national wildlife refuges, state wildlife management areas, or parish special areas shall be encouraged.
2. Educational material shall be supplied to the general public describing the coastal environment and the need for responsible stewardship.

Goal 5

To minimize adverse effects of industry, subdivisions, or transportation systems on environmental quality.

Objective 1: To encourage nonwater dependent urban and industrial development only in areas which are suitable.

1. Encourage development:
 - a. On lands five feet or more above sea level or within existing fastlands.
 - b. On lands with foundation conditions suitable for that use.
 - c. On lands where flood and storm hazards are minimal, and where the public safety would not be unreasonably endangered.
 - d. On lands where development exists and there is adequate supporting infrastructure.
 - e. In areas approved for development by the St. Tammany Parish Planning Commission.
2. Projects, such as levees, drainage improvements, roads, airports, ports, and public utilities, which are necessary to protect and support needed development shall be encouraged so long as they meet or exceed the following criteria to the maximum extent practicable.
 - a. They protect or serve only those areas suitable for development with minimal adverse impact to other coastal areas.

- b. They are consistent with the Coastal Use Guidelines.
- c. They are consistent with adopted state, local, and regional land use plans and environmental regulations.

Objective 2: Only minimal disruption of the natural physical state of the land shall occur during the construction and occupancy of any development.

1. Site clearing shall be limited to those areas required for the project.
2. Areas modified by surface alteration activities shall be revegetated, refilled, cleaned and restored to their predevelopment condition when the use is abandoned. Revegetation shall occur immediately after the use is abandoned.
3. Provisions shall be made to retard sediment runoff from reaching and adversely impacting water bodies to the maximum extent practicable by using construction best management practices.
4. Impervious surfaces shall be minimized to the maximum extent practicable.
5. Septic systems shall be located the maximum distance from water bodies, valuable habitat or wetlands, and be regularly maintained in compliance with federal, state, or local regulations.
6. Construction activities near fragile habitats especially spawning or nursery areas shall be discouraged during the spawning season to the maximum extent practicable.
7. Environmentally acceptable alternative systems shall be constructed in areas where soils or water conditions are not suitable for septic systems.

Objective 3: Any permitted development which occurs within or adjacent to a sensitive habitat shall be designed, constructed, and operated in a manner which will allow minimal adverse impacts on the wetlands.

1. Any permitted development which could cause adverse impacts must complete the St. Tammany Parish environmental assessment form before construction proceeds.
2. When a development is proposed which causes unavoidable detrimental impacts, mitigation shall be required as determined by the LCP Advisory Committee and in coordination with the Secretary of DNR and CMD. If replacement is appropriate it shall be equal to or greater than the habitat values lost and shall be in St. Tammany Parish. The LCP Administrator shall monitor the project so that it is completed and operated as proposed.
3. Surface alterations and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances and to minimize other adverse impacts.
4. Ingress and egress to and from necessary wetland habitats for marine organisms shall be maintained to the maximum extent practicable.

Objective 4: To maintain a balance between development impacts and natural integrity of the environment.

1. At least one-quarter mile of buffer zone shall be maintained between nonwater dependent industrial developments and productive wetlands.
2. Forested wetlands within urban settings shall be set aside for recreational parks or park-like developments to the maximum extent practicable. If these areas must be developed, at least 50%

of the existing vegetation greater than 8" in diameter shall be maintained.

Goal 6

To preserve and enhance existing agricultural lands.

Objective 1: To develop a comprehensive agricultural plan.

1. Inventory existing agricultural lands and prioritize those lands that shall be preserved.
2. An agricultural preservation ordinances which will be consistent with the concept of protecting the values of the coastal zone shall be developed.
3. Agricultural practices which increase productivity, conserve valuable soils and nutrients, reduce pesticide application and do not adversely impact coastal water quality shall be encouraged.
4. New agricultural activities shall be discouraged in the coastal wetlands.
5. Develop and implement agricultural best management practices (e.g. conservation tillage, buffers, etc.) to the maximum extent practicable in the coastal zone.

Objective 2: To protect and enhance potable water reserves.

1. A study shall be undertaken which inventories existing wells, calculates the current withdrawal rate, and recommends alternate sources for agricultural and industrial users.
2. Groundwater withdrawal shall be regulated for conservation purposes. Aquifer recharge, if feasible, shall be encouraged.

3. Industrial and agricultural usage of groundwater shall be inventoried and withdrawals and discharges regulated to prevent waste. A monitoring program shall be established to detect migration of pesticides and fertilizers into the groundwater.
4. Sanitary and/or hazardous waste dumps shall be monitored and regulated for possible pollution of the groundwater.

Goal 7

To protect renewable resources within the Parish.

Objective 1: To protect and enhance commercial and recreational fisheries, waterfowl, and fur-bearers.

1. Water management practices prior to implementation of a project, shall be assessed to determine their effects upon the commercial and recreational fisheries, waterfowl, and fur-bearers.
2. Water management practices whenever practical shall establish new nursery grounds, provide ponds for sport fishing, and enhance the production of commercial and recreational fisheries.
3. Wetlands vegetation that serves as a food source for fur-bearers, waterfowl, and fisheries shall be protected and enhanced by reestablishing selected plants, water management practices, and conservation techniques.

Objective 2: To protect and enhance critical habitats.

1. Any uses which will have adverse impacts shall be prohibited within a one-mile radius of known eagle nests and within a one-half mile of known critical wildlife habitat.

Objective 3: To encourage silviculture practices that protect forested wetlands.

1. A wetlands forestry conservation program shall be developed.
2. Professionally trained foresters shall be used when developing site plans.
3. Existing cypress/tupelo gum stands shall be protected from saltwater intrusion.

Goal 8

To minimize effects of mining non-renewable resources within the parish.

Objective 1: To minimize detrimental impacts of oil and gas exploration.

1. Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife, and other renewable resources:
 - a. Pre-extraction activities shall be performed during the season of minimum waterfowl or wildlife activity.
 - b. Shotholes drilled during seismic reconnaissance shall be filled to not cause drainage problems.
 - c. Vibrating equipment shall be used for seismic activities and in areas of wildlife and waterfowl concentrations.
 - d. Seismic activities shall not be allowed in critical wildlife nesting and feeding areas.
 - e. Travel by foot or helicopter is recommended to minimize physical damage to the wetlands system.

- f. Use of existing roadways; minimize the total number of trips; travel over naturally high areas rather than depressions and greatly limit marsh vehicles from crossing unprotected levees are recommended.
 - g. The number of vehicle trips along the same route shall be reduced to the minimum necessary depending on conditions; for example, retracing vehicular tracks shall be avoided.
 - h. Use of balloon-tired vehicles is recommended as being preferable to tracked vehicles.
 - i. Conducting surveys in dry seasons to avoid wildlife and waterfowl concentrations and is recommended.
 - j. Seismic lines shall avoid small water bodies that serve as nesting and feeding areas for wildlife and waterfowl.
2. Use of airboats on marsh vegetation is preferred to the use of marsh buggies and is recommended.
 3. Exploration and production shall, to the maximum extent practicable, be located away from critical wildlife areas and wetlands. Mineral operations in wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the relevant wildlife management agency.

Objective 2: To minimize adverse impacts from oil and gas extraction and production.

1. To the maximum extent practicable, mineral exploration and production facilities shall be designed and constructed to maintain natural hydrologic regimes, avoid blocking overland flow, and not contribute to erosion of banks or beaches.

2. To the maximum extent practicable, access routes to mineral exploration and production sites shall be designed to avoid adverse impacts on critical wildlife and vegetation areas.
 - a. Roads shall avoid critical wildlife areas and wetlands; culverts and bridges shall be installed to maintain water flow; alignments shall be parallel to water flow.
 - b. Affected areas shall be of minimal size by keeping materials, vehicles, and activities within the right-of-way.
 - c. Directional drilling shall be considered when planning a project.
 - d. Borrow pits shall be offset to prevent formation of long continuous ditches.
 - e. Cloth or vegetation mats shall be used on levees to help prevent erosion and accelerate revegetation.
 - f. Engineering practices and alignments can reduce impacts on some land uses; a thorough investigation shall identify possible techniques.
 - g. Vehicles shall be restricted to the rights-of-way; marsh vehicles shall not cross unprotected levees.
 - h. Canals shall be designed to prevent water stagnation; they shall be short and straight, while avoiding natural creeks and swales.
 - i. Spoil disposal sites and techniques other than levees or mounds shall be carefully considered. These include retaining structures, turbidity control, and broadcasting spoil.

- j. When water courses are crossed, plugs and bulkhead shall be installed. Plug widths from 6 to 100 ft across the bottom are appropriate, depending on soil composition and land uses. Plug height shall take into account subsidence and shrinkage. Some spoil plugs shall be heavily reinforced to withstand cows or alligators or because of poor-quality construction materials.
 - k. Berms, the distance between the canal edge and spoil base, are recommended to range from 15 to 50 ft, depending on reinforcement structures, channel size, boat traffic, etc.
 - l. Vehicular traffic on the marsh shall be minimized, and speed limits kept low to reduce erosion.
3. Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment. For example, drilling activities, supplies, and equipment shall be kept on barges, rigs, within ring levees or removed entirely.
 4. After completion of drilling activities, well sites and ring levees shall be reduced to the minimum size necessary for production purposes and the site shall be restored to pre-project conditions when production is completed or a dry hole is drilled.
 5. All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing the best practical techniques to withstand all expectable adverse conditions, such as hurricanes or exceptionally high tides, without releasing pollutants.
 6. Well site construction shall comply with the following:

- a. Locate facilities to avoid critical wildlife areas and wetlands; evaluate directional drilling at all times to avoid disruption of surface drainage and wetlands destruction; and incorporate adequate erosion control measures.
 - b. Areas affected shall be minimized by limiting equipment and activities to the easement. Use the smallest area possible.
 - c. Spoil deposition and borrow pit shall be oriented to have minimal impact and shall be as small as possible;
 - d. Prefabricated containers shall be used to eliminate the excavation of mud pits and minimize the size of well sites.
 - e. Vegetation shall be removed prior to construction of ring levee to help prevent seepage at the base of the levee.
 - f. Replanting fresh spoil helps prevent erosion and is encouraged. Recently removed vegetation is a convenient source of plant material.
 - g. Toxic or noxious substances shall not be released into the environment.
 - h. Noise levels shall be kept to a minimum in order not to adversely impact adjacent land uses.
7. Effective environmental protection and emergency or contingency plans shall be developed and complied with on all mineral operations.
 8. Drilling activities shall practice the following:

- a. Supplies, drilling mud, cuttings, and waste shall be stored in impervious containers or lined pits. Harmful waste shall be transported to approved sites for disposal.
 - b. Pollutants shall not be released into the environment. Oils can be skimmed from wash water and sump water; worn, faulty, or leaking equipment can be replaced.
 - c. When appropriate, drilling activities shall take place during the season of minimum waterfowl and wildlife activity.
 - d. Activities, supplies and equipment shall be kept on barges to reduce adverse impacts; good work habits and proper supervision shall be used to avoid careless work practices that result in materials entering the water.
 - e. Booms shall be strategically placed to control flotsam.
 - f. Boat traffic and speed shall be kept to a minimum, thereby reducing turbidity and erosion.
9. Production facilities and activities shall incorporate the following concepts into their operations:
- a. The facility shall be located in the least ecologically sensitive area or within previously disturbed areas.
 - b. Surface drainage shall not be blocked and adequate erosion-control measures shall be part of the site plan.
 - c. The overall size of the site can be minimized by developing a plan that makes efficient use of space.
 - d. Petroleum waste (scrapings of paraffin and tar) shall be properly stored and discarded.

- e. Saltwater brine shall be handled according to state regulations and also not discharged into unaltered areas.
 - f. When a project is complete the ring levees shall be breached or removed, if appropriate.
 - g. When levees remain revegetation and erosion-control techniques may be very beneficial as part of a maintenance program and shall be seriously evaluated.
 - h. The placement of facilities on pilings shall be considered preferable to putting them on fill.
10. Pipeline installation crossing the coastal zone shall be done so that it:
- a. If necessary, only temporarily blocks surface drainages during installation.
 - b. Locates the right-of-way in the least productive and sensitive ecological systems;
 - c. Restricts equipment and activities to the right-of-way.
 - d. Rapidly restores sites to minimize erosion and accelerate use by wildlife. Vegetation can be planted to favor preferred species. Only approved herbicides shall be used for vegetation control, and then only when mowing or bushhogging is not practical.
 - e. "Double-ditching," i.e., the topsoil and vegetation are removed first and replaced last, shall be used wherever practicable.

- f. Flowlines shall be adequately supported when crossing water bodies, and burial shall begin well behind the canal or waterway edge.
 - g. Large pipelines shall be placed in a "pipeline corridor" to minimize total area disturbed; light-impact excavation equipment shall be used.
 - h. The push ditch technique of pipeline construction disturbs much less area than the flotation method and shall be utilized to the maximum extent practicable. Any pipeline ditch shall be backfilled as soon as possible.
 - i. Plugs shall be placed at intersections with waterways. In addition, they shall be placed every 1,250 to 1,500 feet across long, straight pipeline canals to retard water movement.
 - j. Plugs and riprap shall be designed and maintained to withstand all abuse (wave attack, burrows, etc) for the duration of the pipeline. The width of plugs may range from 6 ft to 100 ft across the bottom, depending on soil composition and land use.
11. In relation to spills of hazardous materials, hydrocarbons, or other industry related materials, the following shall apply:
- a. A contingency plan shall be filed with the parish.
 - b. Immediate action shall be taken to contain materials and prevent their entrance into open waterways.
 - c. Low-impact, clean-up techniques shall be used. Use of dispersants, emulsifiers, and other chemical agents shall be avoided, if at all possible.

- d. Mechanical devices, such as gas-operated air horns, may be requested to discourage use of the area by wildlife and waterfowl.
 - e. Immediate site restoration is important to return the impacted area to its use by wildlife and waterfowl. Restoration practices include seeding or planting of selected species.
 - f. Low-impact vehicles, such as skiffs, boats, and airboats, shall be used. Alteration of land surfaces is more persistent (perhaps irreversible) and may be more detrimental than the effects of the spill.
12. Exploration and production sites shall be cleared, revegetated, detoxified, and otherwise restored as near as practicable, to their original condition upon cessation of operations. Some practices include:
- a. Monitoring of the existing sites that contain buried drilling mud and other waste when used for new drilling.
 - b. Re-contouring, blocking or opening of drainageways, and replacement of soils.
 - c. Construction of nesting and feeding areas or ponds and the diversification of habitat to encourage use by wildlife.
 - d. Removal of concrete or other impervious surfaces.
 - e. Backfilling of borrow areas when necessary.
 - f. Revegetation of exposed soil to accelerate restoration and reduce erosion.
 - g. Control of turbidity.

Goal 9

To minimize detrimental effects of coastal water dependent uses on wetland areas.

Objective 1: All policies set forth under the parish-wide goal to minimize detrimental effects of oil and gas exploration and extraction shall be adhered to.

Objective 2: To control recreational activities and encourage them only in appropriate areas.

1. Sanitary codes related to sewage and solid waste disposal and litter ordinances shall be strictly enforced on all activities in the coastal zone.
2. The intentional discharge of petroleum products from boating activities shall be prohibited and stringently enforced.
3. Pump-out facilities shall be provided at all marinas and harbors.

Objective 3: Hunting and trapping activities shall be permitted only in designated areas and shall comply with federal and state regulations.

Environmental Management Units

The concept of Environmental Management Units (EMUs), developed as part of the local and state coastal programs, plays an important role in the management system envisioned for St. Tammany Parish. The southern area of St. Tammany Parish, between I-10 and Lake Pontchartrain, is located in the Louisiana coastal zone as defined by LRS 49:213.

Basically, an EMU is a geographic area that is "different" from the surrounding coastal lands. It is separate for reasons of hydrology, vegetation, geomorphology, man-made features (such as levees) or other criteria. These differences imply that the consequences of permitted coastal activities will have

different effects in different EMUs because the environments are different especially in the ability to withstand stress. What is perfectly acceptable and harmless in one area may be devastating if attempted elsewhere. Therefore, these differences must be recognized when evaluating or proposing activities that will occur in the coastal zone.

EMUs serve the following functions in St. Tammany Parish:

1. They describe and delineate the component environments, thus recognizing differences that exist in the landscape.
2. Descriptions of these environmental units serve as a source of information that can be used by both Local Coastal Program (LCP) Administrator and permit applicant in judging the advisability of activities in different areas due to the differences in stress tolerance. Thus, the LCP Administrator is capable of making informed decisions.
3. By monitoring the environments in each EMU, the LCP Administrator can become aware of problems caused by one or more activities in the area, but not others. Regulations, restrictions, and projects can be targeted rather than applied to the entire coastal zone (for which they may have little relevance).
4. Knowing the environments and having a record of the permit activity can aid in forecasting and/or ameliorating the effects of cumulative impacts of numerous small activities.
5. Knowing where the worst effects of a particular problem are located can help state and local program managers channel resources to the right location to solve the most severe problems in a timely manner.
6. Certain environments are unique and fragile. Delineating and describing these areas can aid the LCP Administrator in

preventing their degradation or destruction by developing special management tools and programs to deal with them.

The concept of EMUs is intended to be open-ended. The boundaries and/or management concepts applicable to the EMU can be changed as information is gained or conditions evolve. New requirements can be written after notice to and approval by the Secretary of DNR. Thus, EMUs are a flexible tool capable of meeting current as well as future program needs.

EMU policies are recognized as guides, not as procedural mandates. Local policy statements are conceived as open-ended and flexible, to be used by both permit applicants and the parish.

Effect of Local Coastal Program Policies

Local Coastal Program (LCP) objectives, policies and performance standards which directly or indirectly affect Uses of State Concern shall not be construed as being regulatory or binding on either the permit applicant or the Coastal Management Division, Department of Natural Resources. Their purpose is to submit the parish environmental review comments on applications of Uses of State Concern. Local policies which contain prohibitions, restrictions or performance standards beyond the scope of the Coastal Use Guidelines (CUG) shall be considered as advisory by the parish, the CMD, and permit applicants.

Parish comments to CMD on a proposed Use of State Concern shall be based on the policies of the LCP and may recommend specific project alternatives and conditions. CMD consideration of the recommendation with the CUG's recommendations which reflect further detailing of the CUG's as they apply to the parish, shall be given substantial consideration by CMD. Recommendations which are not in conformance with the CUG shall not be considered by the CMD.

Parish policies covering Uses of Local Concern, because of parish permitting authority, have de facto more weight. The power to permit resides with the same public body as the policies; however, the parish recognizes policies

covering "local concern" as flexible and changeable, should new information or conditions warrant. It is in this light that the EMU policy statements and descriptions are offered.

Uses of State Concern

Exempted Uses

General Uses Not Requiring A Permit

The following activities normally do not have direct and significant impacts on coastal waters; therefore, a coastal use permit is not required, except as set forth in the following subsections:

1. agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities. (For forestry activities, "consistently used in the past" is defined as a semi-annual basis within the past 10 years. This shall include only the actual removal of timber and shall not include clearcutting activities, board road construction, or timber storage.);
2. hunting, fishing, trapping, and preservation of scenic, historic, and scientific areas and wildlife preserves;
3. normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements;
4. construction of a private, non-commercial single family residence or camp with fill restricted to the structure and septic or sewerage facilities, providing it meets parish sanitary sewerage requirements and parish flood damage and prevention requirements;
5. construction and modification of navigational aids, such as channel markers and anchor buoys;

6. activities which do not have a direct and significant impact on coastal waters; and
7. activities on Lands Five Feet or More Above Sea Level or Within Fastlands.

Activities occurring wholly on lands five feet or more above sea level or within fastlands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use permit for such uses generally need not be applied for. A letter of compliance must be obtained by the applicant to insure compliance with the parish's zoning ordinance. However, if a proposed activity exempted from the permitting in the above subsection will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the Local Coastal Program Administrator. The applicant provides such information regarding the proposed activity as may be required by the LCP Administrator in deciding whether the activity is a use subject to a coastal permit. Should it be found that a particular activity exempted by the above subsection may have a direct and significant impact on coastal waters, DNR may conduct such investigation to determine if the activity requires a permit.

The Secretary of DNR shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters. The exemption described in this section shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches and similar isolated, raised landforms in the coastal zone. It does refer to natural ridges and levees.

Emergency Uses

Coastal use permits are not required in advance for uses necessary to correct emergency situations. Emergency situations are those brought about by natural or man-made causes, such as storms, floods, fires, wrecks, explosions, spills which would result in hazard to life, loss of property, or damage to the environment if immediate corrective actions were not taken. This exemption applies only to those corrective actions which are immediately required for the

protection of lives, property or the environment necessitated by the emergency situation.

Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the Director of the Coastal Management Division and the LCP Administrator of St. Tammany Parish. The person carrying out the use shall give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit. A determination will be made whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user must apply for an after-the-fact permit. The removal of any structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or part.

Normal Maintenance and Repair

Normal repairs and the rehabilitation, replacement or maintenance of existing structures shall not require a coastal use permit provided that:

1. the structure or work was lawfully in existence preceding the repair, replacement or maintenance;
2. the repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work;
3. the repair or maintenance does not involve dredge or fill activities;
and
4. the repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.

This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program. Coastal use permits will normally authorize periodic maintenance including maintenance dredging. All maintenance activities authorized by coastal use

permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in an applicable coastal use permit, it shall conform to this section.

Exemptions apply only to the construction of the structure and appurtenances, such as septic fields, outbuildings, walkways, gazebos, small wharfs, landings, boathouses, private driveways, and similar works. Not exempt are bulkheading and/or any dredging or filling activity, except for small amounts of fill necessary for the structure itself and for the installation and maintenance of septic or sewerage facilities. The construction of a residence or camp must be in full compliance with the provisions of the parish zoning ordinance. The LCP Administrator will review all sites to insure consistency with the local program.

Navigational Aids

Construction and modification of navigational aids shall not require a coastal use permit. Navigational aids include channel markers, buoys, marker piles, dolphins, pilings, pile clusters, etc., provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United States Coast Guard standards and requirements.

Agricultural, Forestry and Aquaculture Activities

Agricultural, forestry and aquaculture activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that:

1. The activity is located on lands or in waters which have been used on an ongoing basis for such purposes, consistent with normal practices, prior to the effective date of LRS 49:213. For forestry, "on going basis" shall be defined as a semi-annual basis within the past 10 years. This shall include only the removal of timber and shall not include clear cutting activities, board road construction or timber storage.

2. The activity does not require a permit from the U.S. Army Corps of Engineers and meets federal requirements for such exempt activities.
3. The activity is not intended to, nor will it result in, a change in use from the agricultural, forestry, or aquacultural use to which the land has been consistently used in the past.

The exemption includes, but is not limited to, normal agricultural, forestry and aquaculture activities such as plowing, seeding, grazing, cultivating, insect control, fence building and repair, thinning, harvesting for the production of food, fiber and forest products, maintenance and drainage of existing farm, stock or fish ponds, digging of small drainage ditches, or maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.

Blanket Exemption

No use or activity shall require a coastal use permit if:

1. The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process.
2. The state administrator determines that it does not have a direct or significant impact on coastal waters, or
3. The state administrator determines that the permit is not required pursuant to Part VII of the rules and procedures for Coastal Use Permits as established in the LCRP Final Environmental Impact Statement.

Excluded Federal Lands

In accordance with Section 304(1) of the Coastal Zone Management Act of 1972, all federal lands owned, leased, held in trust or whose use is otherwise

subject solely to the discretion of the federal government are excluded from the Louisiana coastal zone. Any activities or projects conducted within these excluded lands which directly effect the Louisiana coastal zone are, however, subject to the consistency provisions of the federal Coastal Zone Management Act. The federal activities should be fully consistent with the state program unless compliance is prohibited based upon the requirements of existing law applicable to the federal agency's operation. The CMD/DNR is responsible for securing necessary review and comment from other state, regional or local government agencies. Thereafter, only CMD/DNR is authorized to comment officially on the federal consistency determination, concur with or object to a consistency certification, or determine the consistency of a proposed federal assistance activity.

Uses of Local Concern

A coastal permit shall be required for Uses of Local Concern. As previously stated, uses or activities occurring in areas 5 ft or more above mean sea level or in fastlands do not require a coastal use permit unless it can be shown that the use or activity has a direct or significant impact on coastal waters. Uses of local concern include, but are not limited to:

1. privately funded projects which are not Uses of State Concern;
2. publicly funded projects which are not Uses of State Concern;
3. maintenance of Uses of Local Concern;
4. jetties or breakwaters;
5. dredge or fill projects not intersecting more than one water body;
6. bulkheads;
7. piers;
8. camps and cattlewalks;

9. maintenance dredging;
10. private water control structures less than \$15,000 in cost;
11. uses of cheniers, salt domes, or similar landforms; and
12. any other coastal uses which directly and significantly affect coastal waters and are in need of coastal management, but are not Uses of State Concern and which should be regulated primarily at the local level. The St. Tammany Police Jury may add coastal uses to this list as recommended by the St. Tammany Department of Development and the LCP Advisory Committee. These additional coastal Uses of Local Concern are subject to the approval of the Secretary of the Department of Natural Resources.

Uses of state concern are those uses which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than local significance or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:

1. any dredge or fill activity which intersects with more than one waterbody;
2. projects involving use of state owned lands or water bottoms;
3. state publicly funded projects;
4. national interest projects;
5. projects occurring in more than one parish;
6. all mineral activities, including exploration for and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses;

7. all pipelines for the gathering, transportation or transmission of oil, gas and other minerals;
8. energy facility siting and development; and
9. Uses of Local Concern which may significantly affect interests of regional, state or national concern.

Permit Administration

Administration of the St. Tammany Parish Coastal Program will be within the Department of Development. The LCP Administrator, under the Planning Director, will handle the daily business of operating the program, including processing of permits, coordination with the CMD/DNR and federal agencies, oversight of grant matters, deciding on the issuance of permits and specifying special conditions, development and negotiation of contracts, accounting of expenditures, and in general, perform such duties as are necessary for the efficient implementation of the program.

The St. Tammany LCP Advisory Committee shall function as the local coastal advisory committee and shall coordinate activities with the LCP Administrator. The LCP Advisory Committee shall perform the following duties:

1. Review and comment to the St. Tammany Police Jury on federal, state, or local rules and regulations relative to coastal zone management, whenever it is felt necessary by the Commission or the Police Jury that review or comment.
2. Review and recommend to the St. Tammany Police Jury any modifications to the Parish Coastal Zone Management Ordinance.
3. Assist the LCP Administrator whenever possible in the review and comment procedures on coastal use permits of "State Concern"

and review coastal permits of "Local Concern" (as defined by the Act 361 and the rules and regulations for the Louisiana Coastal Zone Management Program).

The primary role of the St. Tammany LCP Advisory Committee is assisting in the establishment and implementation of a Local Coastal Program. Their expertise will be used by the LCP Administrator to evaluate the application for a local permit and make recommendations for issuance, issuance with conditions, or denial.

The LCP Administrator shall have the following authority:

1. issue, establish conditions, deny, or modify coastal use permits for Uses of Local Concern consistent with the LCRP, Act 361, and Guidelines and the St. Tammany Parish Coastal Zone Management Ordinance.
2. after approval by the Secretary of DNR and concurrence by the federal government, adopt any rules and regulations which are consistent with the constitution and laws of the State of Louisiana, State Coastal Zone Management Program, regulations, coastal use guidelines, and the LCP and which are reasonable and necessary to carry out the purpose of this program. The St. Tammany Parish Police Jury shall review the LCP for concurrence with established parish policy.
3. conduct any investigation necessary to comply with the provisions and purposes of the St. Tammany Parish Coastal Zone Management Ordinance.
4. notify the Regulatory Functions Branch of the New Orleans or Vicksburg Districts, U.S. Army Corps of Engineers; CMD/DNR; adjacent communities; and other appropriate agencies (such as the U.S. Coast Guard when dealing with industrial facilities) prior to any alteration or relocation of a watercourse by anyone.

5. review and comment on all "Use of State Concern" permit requests for St. Tammany Parish.
6. help enforce the St. Tammany Parish Coastal Zone Management Ordinance by observing for violations and initiating corrective actions through proper legal procedures.

Permit Processing

Permit Requirement

Any person seeking to perform any coastal use of local concern within the St. Tammany Parish coastal zone must first obtain a permit from the Department of Development through its LCP Administrator, authorizing such activity or use, unless such use is allowed as set forth in this program or the permit request is to conduct a "Use of State Concern" (in which case an applicant must obtain a Coastal Use Permit from the Coastal Management Division, Louisiana Department of Natural Resources).

Permit Application

Applicants for a coastal permit for a use of local concern can obtain an application from the Department of Development or the CMD/DNR. The standard U.S. Army Corps of Engineers 404 permit form will be utilized. All permit applications for a use of local concern shall be submitted to the LCP Administrator at the Department of Development in Covington or the Coastal Management Division, Department of Natural Resources in Baton Rouge.

All applications shall be accompanied by:

1. an application fee of fifty dollars (\$50) assessed to cover permit processing and publication of required notices for permit applications for Uses of Local Concern;
2. maps showing the actual location, size, and dimensions of the property on which the use is to take place;

3. plans showing the exact location, size, and height of any building or structures to be developed;
4. a list of all applications, approvals, and denials concerning the activity required by federal, state, or local agencies;
5. a description of the extent to which any water course or natural drainage will be altered or relocated as a result of the proposed activity;
6. if development involves dredging, a description of:
 - a. the type, composition, and quantity of the material to be dredged;
 - b. the method of dredging; and
 - c. the location and size of the dredged material disposal site;
7. any additional information which the LCP Administrator requests.

If it is determined that the activity applied for is a "Use of State Concern" and the applicant has paid a fee to the parish the fee will be returned to the applicant within 15 days of the determination. If an applicant applies for a local use permit at the state level, the application and accompanying fee will be sent to the local administrator within 5 days of determination of a use of local concern.

Determination of State or Local Concern

After submission to the LCP Administrator, a review will be conducted to determine if the use is one of local or state concern. Within two (2) days of receipt of the apparently complete permit application, the determination of state or local use and an explanation of the rationale behind the determination will be forwarded to the Secretary of DNR or his designee (hereafter referred to as the Secretary). The determination of whether the permit request is of state or local concern will be based on Act 361 and the criteria set forth in Subsection C of Part VI of the rules and procedures for coastal use permits as stated in the

Louisiana Coastal Resources Program Final Environmental Impact Statement (LCRP-FEIS).

The Secretary of DNR shall review the decision and rationale of the initial determination and shall let it stand or reverse it. If the Secretary reverses the local decision, notice, including a brief explanation of the rationale for the reversal shall be sent to the St. Tammany Department of Development, Director of Planning, P.O. Box 628, Covington, LA. 70434 within two working days of the receipt of the application from the local government.

These following factors shall be used in making a determination as to whether a Use is of State or Local Concern.

1. The specific terms of the use as classified in Act 361.
2. The relationship of the proposed use to a particular use classified in Act 361.
3. If the use is not predominantly classified as either state or local by the Act 361 or the use overlaps the two classifications, it should be designated of local concern unless it:
 - a. is being carried out with state or federal funds;
 - b. involves the use of or has significant impact on state or federal lands, water bottoms, or works;
 - c. is mineral or energy development, production, or transportation related;
 - d. involves the use of, or has significant impact on, barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's offshore jurisdiction;

- e. will result in major changes in the quantity or quality of water flow and circulation or in the salinity or sediment transport regimes; or
- f. has significant interparish or interstate impact.

Final administrative authority to determine whether an application is of local or state concern rests with the Secretary of DNR. This determination can only be overruled by the judicial system.

Determination as to Whether a Permit is Required

Any person who proposes to conduct an activity may submit a request in writing to the Director of the Coastal Management Division for a decision whether the proposed activity is a Use of State or Local Concern within the coastal zone subject to the coastal use permitting program. The request must comply with the provisions of Part III and other provisions of the rules and procedures for Coastal Use Permits.

The LCP Administrator may request that the Secretary of DNR review an application for a Use of Local Concern and determine whether a coastal use permit is required. After reviewing a permit application, considering submitted comments and the applicable rules, regulations, and guidelines, the Secretary of DNR may find that the likely impacts of the proposed use are such that a coastal use permit is not required. If he finds that no permit is required, the Secretary of DNR shall notify the applicant and give public notice.

All decisions of the Secretary of DNR whether "requested by the applicant" or "a finding without a request", shall be forwarded to the LCP Administrator if the request is for a use or activity within the St. Tammany Parish coastal zone.

An application shall be deemed complete and thus received only when and if it is in proper form and any additional technical information or plans or material as requested by the LCP Administrator are submitted. When an apparently complete application for a permit is received, the LCP Administrator shall

immediately assign it a number for identification, acknowledge receipt, and advise the applicant of the number.

Within two (2) working days of receipt of an apparently complete application by the LCP Administrator, a copy of the application and all attachments and the LCP Administrator's determination as to whether the use is one of state or local concern, shall be sent to the Secretary of DNR.

Public notice will be issued within ten (10) days of receipt of an apparently complete application by the LCP Administrator. Notice shall be considered given upon publication in the official journal of the parish. Notices shall contain the applicant's name, nature of the proposed project, and location and shall set forth that any comments on the proposed development be submitted to the LCP Administrator within thirty (30) days from the date of the official journal publication.

In addition, the St. Tammany Department of Development will mail a brief description of the application along with a statement indicating where a copy of the application may be inspected to any person who has filed a request and to all affected governmental bodies. A copy of the application must be posted at the location of the proposed use. Copies of the application will be sent to all appropriate news media in the parish in which the use will be located. The copy of an application will be sent to any person requesting it upon payment of a reasonable fee to cover cost of copying, handling, and mailing, except that information of confidential or proprietary nature shall be withheld. In the event that attachments to the application are not readily reproducible, they shall be available for inspection at the permitting office.

Comments received in response to the public notice will be a part of the official file on the application and shall be considered in subsequent actions on the application. If comments received relate to matters within the special expertise of another governmental body, the local administrator may seek advice of that agency. If adverse comments are received, the applicant will be given the opportunity to furnish his proposed resolution or rebuttal to any objections from governmental agencies and other substantive adverse comments before a final decision is made on the application. After all comments are received and after

a thirty (30) day period has elapsed, the LCP Administrator may hold a public hearing or may deny, issue, or issue the permit with conditions. If the LCP Administrator determines that the proposed use is of state concern, the LCP Advisory Committee and the St. Tammany Police Jury shall be notified and given information on the proposed use to provide the opportunity for comments and recommendation to the state agency issuing the permit. The criteria for local evaluation of a use of state concern is identified in a following section.

A public hearing on a coastal use permit application shall be held for the following reasons.

1. Any person makes a written request that a public hearing be held to consider materials at issue in a permit application within the comment period specified in the public notice. The request for a public hearing shall state any and all factors which indicate that a substantial issue exists and that there is a valid public interest to be served by holding a public hearing.
2. Public hearings may also be held when there is significant public opposition to a proposed use, or when requested by legislators, the St. Tammany Police Jury or other local authority, or in controversial cases involving significant economic, social, or environmental issues.
3. Public notice shall be given at least thirty (30) days in advance of a public hearing. Notice shall be sent to all persons requesting notices and all governmental agencies having an interest in the subject matter of the hearing. Governmental agencies will be requested to post the public notice.
4. The notice shall contain the time, place, and nature of the hearing, and the location of the materials available for public inspection.
5. The hearing file shall remain open for a period of ten (10) days after the close of the public hearing for submission of written comments or other material. This time period may be extended by

the LCP Administrator or Police Jury if additional important information or data are being prepared and .will be submitted.

6. The public hearing will be conducted by the LCP Advisory Committee and staffed by the LCP Administrator. The LCP Advisory Committee will review all pertinent information and solicit public comment. The Commission may recommend that the LCP Administrator consider additional conditions or mitigation in making a final permit decision. The LCP Administrator shall make a decision on the coastal use permit within five days after the hearing file is closed.
7. The LCP Administrator shall send either a draft permit to the applicant for acceptance and signature or send notice of denial to the applicant within thirty (30) days of the public notice or within fifteen (15) days after the closing of the record of a public hearing, whichever is later.

Permit Decisions

Permit decisions will be made only after a full and fair consideration of all information before the LCP Administrator and in consultation with the St. Tammany Parish LCP Advisory Committee, and shall represent an appropriate balancing of social, environmental and economic factors. The LCP Administrator shall prepare a short and plain statement explaining the basis for the decision. This statement shall include the permitting body's conclusions on the conformity of the proposed use with the guidelines, the state program and approved local programs. The statement shall be dated, signed, and included in the record prior to final action on the application.

The LCP Administrator will determine whether or not the permit should be issued. Permits shall be issued only for those Uses of Local Concern which are consistent with:

1. applicable parish coastal zone goals, objectives and policies;

2. the specific goals and policies of the particular EMU affected;
3. the goals, objectives and policies of the LCRP, Act 361, the state regulations, and the state coastal use guidelines; and
4. consideration of the comments of the public hearing and any written comments.

If the final decision is to issue the permit, the LCP Administrator will forward two (2) copies of the draft permit to the applicant for his signature indicating acceptance of the conditions on the permit, along with its findings on the application. The applicant will return both signed copies to the permitting body for signature and dating by the issuing official. If the final decision is to deny the permit, the applicant shall be sent a letter stating the reasons for denial and copies of the LCRP guidelines that apply.

Final action on the permit application is its signing by the LCP Administrator or the mailing of the letter notifying the applicant of denial.

Conditions of Permits

By accepting a coastal use permit issued by St. Tammany Parish, the applicant agrees to the following conditions.

1. The applicant must carry out or perform the use in accordance with the plans and specifications approved by the LCP Administrator.
2. The applicant must complete construction of the use within the time frame specified in the permit. If no term is specified in the permit, then the permit shall expire 3 (three) years from the date issued. If construction is not completed within the term of the permit, then the applicant shall request an extension by the LCP Administrator. The permit may be extended by the LCP Administrator if it is found that substantial progress has been made on the construction of the use or if development of the use has

been precluded by litigation, material shortages, labor problems, or other events beyond the control of the applicant, such as hurricane, flood, or acts of God. The length of the extension is at the discretion of the LCP Administrator; however, only one extension may be granted. Subsequently, a new permit is requested.

3. The applicant must comply with any permit conditions by the LCP Administrator.
4. The applicant must adjust, alter, or destroy any structure or other physical evidence of the approved use if, in the opinion of the LCP Administrator, it proves to be beyond the scope of the use as approved in the permit or if the use is abandoned.
5. The applicant must provide, if required by the LCP Administrator, a surety bond in an acceptable amount to guarantee adjustment, alteration, or removal if it is deemed necessary by the LCP Administrator, the LCP Advisory Committee, or the St. Tammany Police Jury.
6. The applicant shall agree to hold St. Tammany Parish, the State of Louisiana, and both employees and officers of the parish and state harmless from any damage to persons or property which may result from construction, maintenance, or operation of the permitted use.
7. The applicant, if required by the LCP Administrator, must obtain the certification of a registered professional engineer that construction of the permitted use has been accomplished in accordance with the plans and specifications approved by the LCP Administrator.

Enforcement of Permits

Modifications

The terms and conditions of a local coastal use permit may be modified by the LCP Administrator to allow changes in the type of use or how the project is conducted for the approved use of local concern, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the permitted use will be in conformity with the LCP and the LCRP and Coastal Use Guidelines. Changes which in the opinion of the LCP Administrator or the St. Tammany Parish LCP Advisory Committee would increase the impact of a permitted activity to an unacceptable level shall be processed as new applications, not as modifications. The LCP Administrator shall coordinate surveillance and enforcement with the Department of Engineering and the Sheriff's Department

Suspension

The St. Tammany Parish Department of Development may suspend a local use permit upon finding that:

1. the permittee has failed or refused to comply with the terms and conditions of the permit or any modification thereof; or
2. the permittee has submitted false or incomplete information in his application or otherwise; or
3. the permittee has failed or refused to comply with any lawful order or request of the LCP Administrator.

The LCP Administrator shall notify the permittee in writing that the permit has been suspended and the reasons why, and order the permittee to cease immediately all previously authorized and unauthorized activities. The notice shall also advise the permittee that he will be given, upon request to the LCP Administrator made within ten (10) days of receipt of the notice, an opportunity to respond to the reasons given for suspension.

After consideration of the permittee's response and an appearance before the St. Tammany Parish LCP Advisory Committee if it is requested, or, if none, within 30 days after issuance of the notice, the LCP Administrator shall take action to reinstate, modify, or revoke the permit and shall notify the permittee of the action taken.

Revocation

If, after compliance with the suspension procedures above, the LCP Administrator determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.

Penalties

St. Tammany Parish shall seek appropriate civil and criminal relief if the permittee fails to comply with the provisions of the local coastal program, fails to comply with a cease and desist order, fails to comply with the suspension or revocation of a permit, or attempts to bribe or intimidate a public official or civil servant. Such actions shall constitute a violation of the local coastal program and shall be punishable by a fine not less than \$100 and not more than \$500, with the following exceptions:

1. a fine of not less than \$100 will be collected for any violation to special conditions attached to the permit setting forth provisions or requirements which are intended to protect against environmental degradation of the parish's natural resources; or
2. if evidence is shown that said violation directly caused or added to substantial environmental damage to the parish's natural renewable resources in the coastal zone, in excess of the amount of the surety bond posted, relief will be sought through proper judicial proceeding to compensate or mitigate the resultant damage in accordance with LRS 213.18.

For purposes of applying and enforcing the penalties contained in this section, each day of the violation that may occur or continue shall be deemed a separate offense and be punished accordingly. All fines collected will go to the special environmental mitigation fund. Funds will be utilized to accomplish environmental projects consistent with the local program and approved by the Department of Development and CMD/DNR.

A person found violating or failing to comply with the provisions of the St. Tammany Parish Coastal Zone Management Ordinance may be required by the LCP Administrator to restore, to the maximum extent practicable, the affected area to its condition prior to the development. Maximum extent practicable, as it pertains to restoration, will be determined by the LCP Administrator based on the degree of restoration possible given the environmental conditions of the area in question. The economic ability of the permit holder to accomplish the restoration, any legal constraints applying to restoration, and the particular needs within the management unit as defined by the St. Tammany Parish Program will also be considered.

The Department of Development, in cooperation with the Department of Engineering and the Sheriff's Department, has the primary authority for monitoring and enforcing conditions on coastal use permits for Uses of Local Concern. Upon implementation, the LCP Administrator will direct permit review, field investigations, inspection and enforcement. The Parish Attorney will prosecute violations of the LCP. The parish will insure compliance with local permit conditions and report violations of projects for Uses of State Concern to the LCRP.

Permit Monitoring

Monitoring will be coordinated by the LCP Administrator, Department of Development. Field inspections will be conducted on a scheduled basis by the Sheriff's Department or the Police Departments in incorporated areas. Special site visits by boat, car, or aircraft will be made in response to requests for a determination by the general public, parish employees, elected officials, or state or federal agencies. Violations will be reported to the LCP Administrator who

shall initiate appropriate judicial actions through the Parish District Attorney. The LCP Administrator shall inform the St. Tammany Parish LCP Advisory Committee of the violations.

Appeals

Any individual with or without a LCP permit may appeal the decision of the LCP Administrator to the St. Tammany Parish LCP Advisory Committee concerning a local coastal use permit. The appeals shall be made in writing to the LCP Administrator within ten (10) days of the local administrator's decision. If a permit action is appealed, the LCP Administrator may suspend the permit until the appeal has been decided.

The appeal hearing before the St. Tammany Parish LCP Advisory Committee shall be held within fifteen (15) days of the date of receipt of the appeal. Notice of the appeal hearing shall be given by publication in the official parish journal not less than five (5) days prior to the hearing and by registered letter to the applicant at least ten days prior to the hearing.

In all appeal hearings, the object of review shall be a determination if the coastal use application is consistent with the LCRP guidelines, the LCP goals, objectives, and policies and the appropriate EMU goals and policies. The coastal use shall also be examined to ensure consistency with the general goals, objectives and policies as contained in the St. Tammany LCP. The decision of the St. Tammany Parish LCP Advisory Committee on the appeal shall be regarded as prima facie correct, and the burden of establishing the contrary shall be on the permit holder.

The St. Tammany Parish LCP Advisory Committee shall decide an appeal within seven (7) days of the appeal hearing, and notice of the decision shall be made by publication in the official parish journal. The decision of the St. Tammany Parish LCP Advisory Committee, including its decision reviewing the LCP Administrator's decision as to whether the use is one of state or local concern, may be appealed to the Louisiana Department of Natural Resources.

Evaluation of Uses of State Concern

LRS 49:213 established that a "coastal use permit decision must be consistent with the state program and approved local program for affected parishes and must represent an appropriate balance of social, environmental and economic factors. In all instances, local government comments shall be given substantial consideration."

The St. Tammany LCP Advisory Committee has developed the following procedure for reviewing and commenting on permit applications of state concern.

1. Permit application may be taken by either the St. Tammany Parish LCP Administrator or the Coastal Management Division, DNR, for determination of whether the use is of state or local concern.
2. If the LCP Administrator determines the use is of state concern, the application and LCP's rationale for the decision are forwarded to the Coastal Management Division within two days. If a permit application for a Use of Local Concern is submitted to CMD/DNR, the application and rationale for the decision are forwarded to St. Tammany Parish. This will happen within two (2) working days of the receipt of the application.
3. If the initial determination by the LCP Administrator is allowed to stand by the Secretary of the Louisiana Department of Natural Resources, the application is processed according to the Rules and Procedures for coastal use permits as established by the LCRP-FEIS.
4. Public notice is issued within 10 days of receipt of an apparently complete application by the Coastal Management Division.
5. The notice shall state that comments on the proposed development shall be submitted to CMD within twenty-five (25) days of the date of official journal publication of the notice.

6. Within this comment period, the LCP Administrator will forward copies of the CMD public notice to members of the LCP Advisory Committee and Police Jury and solicit comments.
7. The LCP Administrator will also be required to publish a notice in the official parish journal inviting public comment and assessing the need to hold a local public hearing on the requested activity. The notice will include the name of the applicant, its location, a brief description of the proposed coastal use, and a declaration if any of the work has been initiated, is being done at the present time, or is complete.
8. A local public hearing on the proposed Use of State Concern will be held by the Department of Development at the determination of the LCP Administrator, at the request of the St. Tammany Parish LCP Advisory Committee, at the request of the Parish President or a Police Jury member representing the district where the activity is to take place, if public concern is demonstrated, or upon written request by the applicant.

If a determination is made to hold a public hearing, the LCP Administrator shall promptly notify the applicant in writing, setting a time and place for the hearing, and providing public notice.

Notice that a local public hearing is being held shall be forwarded to the Secretary of DNR and the Coastal Management Division. All public comments by the parish will be forwarded to the Secretary of DNR and the Coastal Management Division. The public hearing will be conducted by the St. Tammany Parish LCP Advisory Committee and staffed by the LCP Administrator. The LCP Administrator will present the findings on the proposed state coastal use permit to the St. Tammany Parish LCP Advisory Committee and offer a recommendation for the issuance of a letter of no objection, a letter of objection, or a letter of no objection with conditions.

The St. Tammany Parish LCP Advisory Committee by majority vote will make its recommendation and stipulate any conditions. Decisions will be consistent with the local and state programs and will represent an appropriate balance of social, environmental and economic factors.

All decisions will be forwarded to the Secretary of DNR and the Coastal Management Division within the stated comment period. If additional time is required to consider comments or review new information the LCP Administrator shall request that the Secretary of DNR extend the comment period. Requests to CMD/DNR will be in writing and will specify the reasons for the request and the anticipated period that the comment period should be extended.

If a determination is made that a local public hearing is not required and no requests were made, by the Police Jury, the St. Tammany Parish LCP Advisory Committee, or the general public the LCP Administrator shall conduct a review of the proposed use. Upon determination that the project does not conflict with the parish LCP policies and guidelines, environmental review and field investigations (if possible), a decision to issue a letter of objection, letter of no objection, or letter of no objection with conditions will be made by the LCP Administrator. A letter will insure that the proposed use does not conflict with:

1. the general parishwide goals, objectives and policies where they remain applicable;
2. the special goals and policies of the environmental management unit;
3. the goals, objectives and policies of LRS 49:213 and the state guidelines; and
4. public comment and any available information on the proposed use will also be considered.

A signed copy of the letter with the parish recommended conditions shall be mailed to the Secretary of DNR and the Coastal Management Division within

the comment period. It is expected that these recommendations will be given substantive consideration by CMD/DNR in the state decision making process. A copy of the draft and final signed permit with conditions as issued by the Coastal Management Division will be sent to the LCP Administrator. Permits for Uses of State Concern issued by the Coastal Management Division through its general permit authority shall be likewise be forwarded to the LCP Administrator.

The parish reserves the right to enter into mutual cooperative agreements and mitigative arrangements with the applicant of the permit request to insure compliance with the goals, objectives and policies of the local program, or to compensate or mitigate the parish for damage caused to the environment by the permitted activity.

Evaluation of Uses of Greater than Local Concern.

LRS 49:213 and the FEIS/LCRP require that local governments develop "special procedures and methods for considering uses within special areas, uses of greater than local benefit, and uses affecting the state and national interest." Uses of federal and regional consideration or concern, as well as the national and regional interests in the development and implementation of the LCRP, are described in Chapter VI of the FEIS. Resources that have greater than local concern include air and water quality, wetlands and endangered species, flood plains and barrier islands, historic and cultural resources, and fisheries and other living marine resources. Table 4 shows facilities that have greater than local benefit and concern.

The federal Coastal Zone Management Act requires that state programs be able to prevent local governments from unreasonably restricting use of regional benefit. The CZMA states: "The program must provide for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit. 'Unreasonable' shall mean that which would constitute arbitrary, capricious or confiscatory action as defined in the jurisprudence involving zoning and land use regulations."

Table 4 Facilities of Greater than local concern.

National defense and aerospace:

Military bases and installations; defense manufacturing facilities, aerospace facilities

Energy production and transmission:

Oil and gas rigs, storage, distribution and transmission facilities; power plants; deep-water ports; liquified natural gas facilities; geothermal facilities; coal mining facilities.

Recreation:

National seashores, parks, forests; large and outstanding beaches and recreational waterfronts.

Transportation:

Interstate highways, railroads, airports; aids to navigation including Coast Guard Stations.

A "use of regional benefit" is a use which benefits more than one parish or state, and which has direct and significant impacts on coastal waters. Uses of regional benefit would include the following:

1. Interstate natural gas transmission pipelines;
2. major state or federal transportation facilities such as highways and expressways;
3. major state or federal transportation facilities such as deepwater ports and navigational projects;
4. public wildlife and fisheries management projects;

5. public utility or cooperative energy generation plants; and
6. state parks and beaches and other state owned recreational facilities.

All activities of regional and national interest should be presented in a public hearing in the parish and should be coordinated with the LCP Administrator. The public hearings are for the purpose of informing the general public on the project and receiving comments and ideas from parish citizens.

If CMD/DNR determines that an activity of "state concern" is an activity which represents regional, state or national interest should have a public hearing the following procedures should apply.

1. The LCP Administrator should be contacted to schedule and coordinate a public hearing in the parish
2. The LCP Administrator may make recommendation for a position of the parish on the project. The LCP Advisory Committee may rule against any recommendations of the LCP Administrator by a majority of voting members present.
3. The St. Tammany Police Jury must approve recommendations of the LCP Advisory Committee before any changes become effective.
4. The LCP Administrator will forward the final parish recommendations on a proposed project in or directly affecting the parish, to the Secretary of DNR and the Coastal Management Division for review and consideration in the state's final decision.

All agencies undertaking activities which may impact the parish coastal wetlands or conflict with its coastal program are encouraged to notify the LCP of their intentions, uses, or projects in order to help coordinate and negotiate conflict resolutions.

Intergovernmental Coordination

Permit decisions or management objectives of St. Tammany Parish may affect the neighboring parishes of Orleans and Tangipahoa. Actions of such magnitude are normally considered Uses of State Concern and therefore will not be permitted by a LCP. The LCP Administrator shall undertake:

1. All public notices for Uses of State Concern in neighboring parishes should be forwarded by the Coastal Management Division to the St. Tammany LCP Administrator.
2. Upon receipt of such public notices, a review process will be undertaken if it is determined that such activity will have a direct and significant impact upon the St. Tammany Parish coastal zone.
3. The LCP Administrator will forward comments to the host parish, the LCP Advisory Committee, and the CMD in Baton Rouge.
4. At the determination of the LCP Administrator, or at the request of one member of the LCP Advisory Committee, a joint interparish permit conference may be requested to discuss the proposed use and its impacts on St. Tammany Parish coastal zone.

Lake Pontchartrain Special Management Area

St. Tammany Parish will continue to participate in efforts to create a Lake Pontchartrain Special Management Area. Coastal use guidelines and boundaries for the St. Tammany Parish local coastal resources program have been designed to be consistent with the boundaries and guidelines being developed by the Lake Pontchartrain Task Force. If and when both programs receive approval, close communication will be maintained between them.

U.S Army Corps of Engineers

The LCP Administrator will maintain close coordination with the U.S. Army Corps of Engineers through the use of the Section 404 permit application as the

local program permit application. The LCP Administrator will send a copy of any local permit application to the U.S. Army Corps of Engineers, New Orleans and Vicksburg Districts, within two working days of the permit application receipt.

Special Management Area

This section establishes LCP procedures for the designation, utilization and management of special areas within the St. Tammany Parish coastal zone and for establishing guidelines and priorities of uses.

Nominations

An area may be nominated for designation as a special area by any person, local government, state agency or the LCP Administrator. Areas may be nominated for any of the purposes set forth in LRS 49:210.10 or for similar purposes, provided that such areas are in the coastal zone, have unique and valuable characteristics require special management procedures different from the normal coastal management process; and are to be managed for a purpose of regional, state, or national importance. Nominations shall include:

1. a statement regarding the area nominated, including, its unique and valuable characteristics, its existing uses, the environmental setting, its history, and the surrounding area;
2. a statement of the reasons for the nomination, such as any problems needing correction, anticipated results, need for special management, and need for protection or development;
3. a statement of the social, economic, and environmental impacts of the nomination;
4. a map showing the area nominated;
5. a statement as to why the area nominated was delineated as proposed;

6. proposed guidelines and procedures for the management of the area, including priorities of uses;
7. an explanation of how and why the proposed management program would achieve the desired results;
8. a statement as to how and why the designation of the area would be consistent with the state coastal management program and any affected local programs; and
9. a statement as to why and how the designation would be in the best interest of the state.

Administrative Review

The LCP Administrator shall review proposals for their suitability and consistency with the St. Tammany Parish coastal management program. If the LCP Administrator finds that a proposal is suitable and does not conflict with the St. Tammany Parish coastal zone management program, the LCP Administrator may, with the assistance of others in the parish, prepare a draft "Proposal for a Special Area." The proposal shall consist of the delineation of the area to be designated, the guidelines and procedures for management, and priorities of uses.

A public notice announcing a hearing on the proposal shall be published by the LCP Administrator in a newspaper of general circulation. Upon request copies shall be made available for public review at the LCP office, the offices of local programs, and at public libraries in the affected parishes. Notice and copies of the proposals shall be sent to appropriate governmental bodies.

After the public hearing and consideration of all comments received at or before the hearing, the LCP Administrator shall determine whether to designate the area proposed, or a part of it or an approximately similar area as a special area,

and adopt the guidelines and procedures for management and priorities of uses. Public notice of the LCP Administrator's decision shall be given.

The LCP Administrator shall notify the Secretary of DNR of a decision to designate a special area. The LCP Advisory Committee may approve or disapprove all or any of the guidelines or priorities of uses adopted by the LCP Administrator, provided that the only grounds for disapproval shall be those set forth in LRS 49:213.16B. Failure of the Secretary to disapprove the guidelines or priorities of uses within sixty (60) days shall deem the proposal approved. In making such approval, the Secretary must submit detailed findings and objections to the LCP Administrator. In the event the LCP Administrator and the Secretary are unable to agree on a set of guidelines and priorities of uses, final resolution shall be by the Governor of the State of Louisiana.

Establishment by Governor

The Governor may, with approval of the Secretary of DNR pursuant to above, designate special areas, and establish the guidelines and procedures for management and priorities of uses applicable in such areas.

Local Designation

At this time no parish special management areas have been designated by St. Tammany Parish.

Miscellaneous

No local ordinances will be included in the local program.

Amendments

The St. Tammany Police Jury may amend the St. Tammany Parish Coastal Zone Management Ordinance by a simple majority vote of its members.

The St. Tammany Parish Coastal Zone Management Ordinance may be amended for the following purposes.

1. A section(s) of the ordinance is (are) judged unconstitutional or invalid by a final court of judgement.
2. A section(s) of the ordinance is (are) deemed inadequate to implement the St. Tammany coastal program by the LCP Administrator CMD/DNR, or the federal government.
3. A section(s) of the ordinance is (are) deemed superfluous in the implementation of the local program by the LCP Administrator, the St. Tammany Police Jury, CMD/DNR, or the federal government.
4. The State Coastal Zone Management Program is amended, with the resultant necessity of amending the St. Tammany Parish LCP.

Petitions for amendments of this ordinance may be submitted to the Policy Jury by its own members, the LCP Administrator, or the LCP Advisory Committee, and ordered by the Louisiana Department of Natural Resources. Such petitions or orders shall be in writing stating the section(s) to be amended, the reasons for the amendment, and the impact that the amendment will have on the local coastal program. The petition shall be submitted to DNR for review and approval. No alterations or modifications to this ordinance shall become effective until approved by the Police Jury and the Secretary of DNR.

Public notice in the official parish journal of the proposed ordinance amendments shall be given within ten (10) days of the petition filing. The notice will indicate that all interested persons may make comments or suggestions to the LCP Administrator within twenty-five (25) days of the publication of the notice.

A public hearing on all proposed ordinance amendments shall be held by the LCP Administrator in coordination with the St. Tammany Parish LCP Advisory Committee. Any person may make a request in writing within the comment

period specified in the public notice that a public hearing will be held to consider material at issue in a proposed amendment.

Public notice in the official parish journal shall be given at least thirty (30) days in advance of any public hearing. Notice shall be sent to all persons requesting notices of public hearings and shall be sent to all governmental agencies having an interest in the subject matter of the hearing. Such notice may be limited in the area consistent with the nature of the hearing. The notice shall contain the time, place, nature of the hearing, and the location of materials available for public inspection. The hearing file shall remain open for a period of ten (10) days after the close of the public hearing for submission of written comments or other material. This time period may be extended for good cause. The St. Tammany Police Jury shall, after consideration of all available information, adopt or reject proposed amendments to the ordinance.

Severability

This ordinance and the various parts, sections, subsections, and clauses are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby.

Consistency

The St. Tammany Police Jury certifies that the St. Tammany Parish Coastal Management Ordinance and the policies of the Local Coastal Program are consistent with the policies and objectives of the State and Local Coastal Resources Management Act of 1978 as amended and the state regulations promulgated under that Act. The Local Coastal Program shall be interpreted and administered consistently with such policies, objectives, and guidelines.

Annual Report

An annual report on the activities of the St. Tammany Parish LCP shall be submitted to the Secretary of DNR each year and shall include:

1. the number, type and characteristics of the applications for coastal use and other permits;
2. the number, type and characteristics of coastal use and other permits granted, conditioned, denied and withdrawn;
3. the number, type and characteristics of permits appealed to the Louisiana Department of Natural Resources;
4. results of any appeals;
5. a record of all variances granted;
6. a record of any enforcement actions taken;
7. a description of any problem areas within state or local program and proposed solutions to any such problems;
8. proposed changes in the state or local program.

The first annual report should be submitted to the Secretary of DNR twelve months following the implementation of the local program.

Effective Date

The ordinance shall be effective ninety (90) days after final publication by the St. Tammany Police Jury and final approval by the Secretary of DNR.

Other Ordinances Included in the Local Coastal Program

No other parish or local ordinances are included in the Local Coastal Program.

VI. ENVIRONMENTAL MANAGEMENT UNITS

St. Tammany Parish has been divided into four Environmental Management Units (EMU). An environmental management unit is an area which is distinguished by certain common physical and cultural characteristics, such as geology, vegetation, drainage patterns, and uses. Each of these EMUs can be considered individually when setting goals, objectives, and policies for planning, management, and regulatory functions. The four EMUs in St. Tammany Parish are the Marsh-swamp EMU in the southwest corner of the parish, the Floodplain EMU of the Tchefuncte River, the Marsh-lowland EMU from Mandeville to the Pearl River Basin, and the Pearl River Basin and Delta EMU. Table 5 shows the boundaries of each EMU. Table 6 shows the land uses in the area of the EMUs below 5 ft MSL.

Use of EMUs is one technique for organizing information about the coastal zone of the parish. By separating the coastal zone goals, objective, and policies can be designed for each EMU considering its inherent problems and conflicts. The next step then is to describe the four EMUs and discuss the goals, objectives, and policies that apply to them.

Marsh-swamp EMU (Figure 1)

The Marsh-swamp EMU is located in southwest St. Tammany Parish south of I-12 and between Tangipahoa Parish and Causeway Blvd. The northern part of the EMU is Pleistocene uplands which is for the most part above the 5 ft contour. The Myatt-Stough Association soils characterize the Pleistocene uplands. These nearly level sandy loams occur as broad flats and depressed areas that are poorly drained. Forests have been cleared or thinned and the land use is changing to residential/commercial activities. Madisonville, on the Tchefuncte River, is the primary town in the EMU. Intensive development is also found south of La. Hwy 22 and west of Causeway Blvd. Lewisburg and adjacent subdivisions are extending across the Pleistocene terrace toward the Lake. Table 6 shows the land cover for those areas of the EMU below the 5 ft contour. The 5 ft contour is used because it separates those areas that are subject to permitting (below 5 ft) through the state's coastal management program from

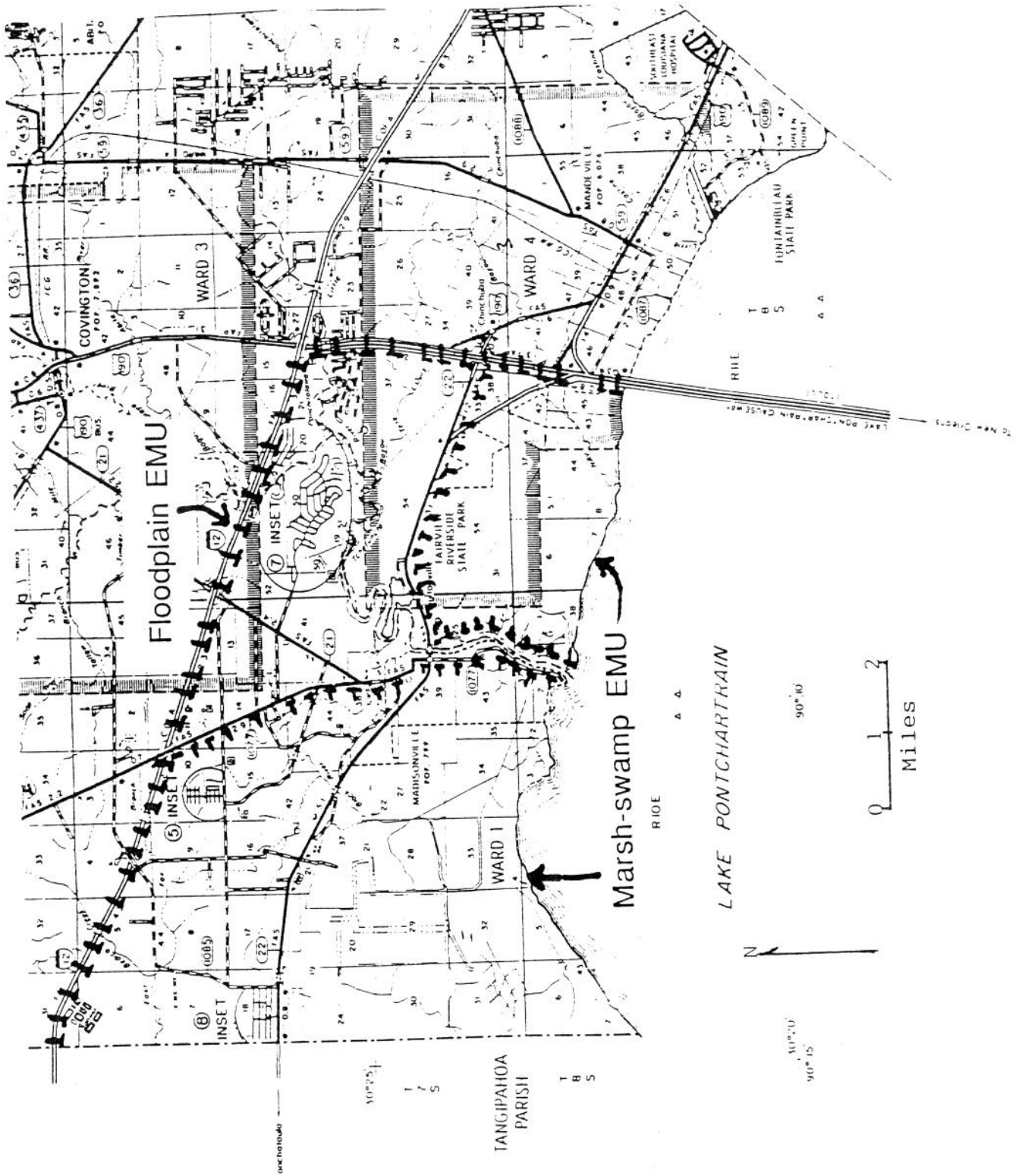


Figure 1. Marsh-swamp EMU and Floodplain EMU.

Marsh-swamp EMU*, southwestern corner of parish (PMSA EMU 10)

- West - Tangipahoa Parish
- North - I-12
- East - Causeway Blvd. from La. 22 to Lake Pontchartrain shoreline
- South - Lake Pontchartrain shoreline

*EXCLUDES Floodplain EMU, the Tchefuncte River

Floodplain EMU, the Tchefuncte River (PMSA EMU 11)

- West - La. Hwy. 1077 from I-12 to Lake shoreline
- North - I-12
- East - Causeway Blvd., La. Hwy. 22, and the east shoreline (left descending bank) of the Tchefuncte River
- South - Lake Pontchartain shoreline

Marsh-lowland EMU (PMSA EMU 12)

- West - Causeway Blvd from I-12 to Lake shoreline
- North - I-12
- East - I-10, U.S. 190, U.S. 90
- South - Lake Pontchartrain and Rigolets shorelines

Pearl River Basin and Delta EMU (PMSA EMU 25)

- West - I-10, U.S. 190, U.S. 90
- North - I-10
- East - Mississippi Stateline
- South - Rigolets shoreline and Lake Borgne shoreline

PMSA EMU = Pontchartrain Maurepas Special Area Environmental Management Unit

Table 5. Boundaries of the Environmental Management Units of St. Tammany Parish.

ST. TAMMANY LAND	MARSH-SWAMP EMU PMSA EMU 10	FLOODPLAIN EMU PMSA EMU 11	MARSH-LOWLAND EMU PMSA EMU 12	PEARL RIVER BASIN & DELTA EMU, PMSA EMU 25	TOTAL
COVER in ACRES					
WATER	1,713	493	6,936	11,988	21,130
BROKEN MARSH	2,283	26	4,480	1,179	7,968
MARSH	4,055	73	15,421	19,365	38,914
FOREST	1,669	976	5,244	1,897	9,786
SWAMP	1,525	859	57	7,814	10,255
SHRUB/SCRUB	473	27	980	117	1,597
AGRICULTURE	563	88	188	139	978
DEVELOPED	226	298	2,260	663	3,447
INERT	3	12	402	103	520
BEACH	30	0	21	13	64
MIXED VEGETATION	477	0	574	242	1,293
TOTAL	13,017	2,852	36,563	43,520	95,952

Table 6. Land Cover by EMU in permit area. (DuCote 1989).

those where permits are highly unlikely to be required. Drainage is greatly modified as a result of development and only the very southern and eastern extremes are subject to storm flooding.

The southern part of the EMU is Recent surface which has an elevation at or just above sea level. Swamp soils are clays and organic and if drained, would have a high shrink potential. This part of the EMU is cypress and Tupelo gum wetlands subject to periodic flooding. The adjacent wetlands are have soils of the Marsh Association characterized by soft, thick organic material and silty clays. The water table is at or near the surface. The wetlands between the Tchefuncte River and Lewisburg are considered to be very valuable habitat and nursery grounds within the Lake Pontchartrain estuary. The wetlands are now used almost exclusively for recreation, either hunting or fishing. Two areas between the Tchefuncte River and Tangipahoa Parish have been modified for agriculture and development. Port Louis, a residential/marina complex, is on the shoreline and has boat access to Lake Pontchartrain.

Cultural resources are often found in association with natural stream and bayou channels, especially on natural levees, on the relict Pleistocene features in the marsh, and on the escarpments overlooking the floodplain. In most instances the prehistoric sites will be shell middens of predominantly rangia shell nearest the lake and possibly Unio (freshwater clams) the further inland. Historic sites are in association with primary water courses, such as the navigable waterways, and tend to be concentrated in the communities that serve as ports or summer recreation centers on the north shore. The Louisiana State Historic Preservation Office, the Division of Archaeology in the Department of Culture, Recreation and Tourism and the Cultural Resources Section, U.S. Army Corps of Engineers, New Orleans District, record the location and characteristics of each site. This information is available on a need-to-know basis and can be readily obtained for planning purposes. In order to help maintain the integrity of the archaeological and historical resources in the EMU, however, it is best not to identify each site in this study.

The greatest existing and potential conflict centers on the encroachment of development south of La. Hwy. 22 and in the Madisonville and Lewisburg areas into the wetlands. Marinas and recreation facilities are located on the

Tchefuncte River and additional projects are probable as a result of the growth of recreation along the north shore. Runoff from development, both point and non-point sources, contribute to degradation of water quality. Storm-surge from hurricanes could flood a significant area of the development on the Pleistocene terrace where it contacts the lake.

Other resource problems within the EMU include loss of wetlands and shoreline erosion. Uses of local concern along navigable waterways require a LCP permit. Examples of activities that occur above 5 ft MSL, or in fastlands, that may have a direct and significant impact on coastal waters include solid waste dumps, sewage plants, industrial facilities that clean or refurbish tanks, trucks, or other equipment, and food processing plants.

Goals for EMU 1

1. Protect and conserve the environmental quality of the EMU.
2. Protect the wetlands from further degradation and/or destruction.
3. Reduce shoreline erosion while not adversely affecting adjacent shorelines or wetlands.
4. Preserve the integrity of the wetlands.
5. Protect the water quality of the EMU and work toward improving those areas where degradation has already taken place.
6. For activities resulting in unavoidable impacts to wetlands, or other permitted dredge and fill activities, impose mitigation conditions so that spoil is used to create new wetlands or retard shoreline erosion.
7. Encourage development in those areas where soil conditions are suitable and there is a minimal threat of flooding, and discourage development in areas with unsuitable soils, or areas subject to coastal flooding to the maximum extent practicable.

8. Encourage comprehensive wetlands planning and management for all wetlands.
9. Protect the cultural resources within the EMU from destruction or unauthorized excavation.
10. Encourage landowners to become more involved in protecting the wetlands and retarding wetlands loss and shoreline erosion.
11. Encourage property owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.

Policies

Policy 1. All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.

Policy 2. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish or shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.

Policy 3. Existing transportation corridors (roads, pipeline rights-of-way, waterways) shall be used to the maximum extent practicable when accessing or traversing the lake shoreline or the wetlands.

Policy 4. Development shall be encouraged on the Pleistocene uplands and other lands above 5 ft MSL and fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies.

Policy 5. Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.

Policy 6. There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.

Policy 7. Shoreline vegetation along lakes, canals, or natural water courses shall be protected, and where feasible restored, created, or enhanced to retard erosion and enhance water quality.

Policy 8. Flood protection levees shall be encouraged on the exposed Pleistocene uplands and designed so that they will not adversely affect the migration of valuable wetlands species due to potential sea level rise. They shall not encroach onto the Recent surface.

Policy 9. Mitigation for any coastal uses within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.

Policy 10. Comprehensive wetlands conservation plans shall be prepared for selected wetlands, such as the area south of La. Hwy. 22 between the Tchefuncte River and Lewisburg and the area between La. Hwy. 1077 and the drainage districts to the west.

Policy 11. Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavations.

Policy 12. Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.

Policy 13. Surface alterations shall be designed so they do not degrade the ground or surface water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of

imperious surfaces, and incorporate urban construction, agriculture, and silvaculture, best management practices (including sediment and erosion control, stormwater management and septic system installation and operation) to the maximum extent practicable.

Policy 14. Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.

Policy 15. Revegetation of disturbed areas shall use native species and rely on the parish tree ordinance for guidance.

Policy 16. The LCP Administrator shall work with landowners to investigate the practicality and feasibility of initiating a wetlands conservation program for their holdings. The parish shall investigate possible funding mechanisms, such as tax incentives or impact fees, for assisting landowners in initiating and maintaining a federal and state permitted wetlands management plan.

Policy 17. Dams, plugs, and spoil banks constructed as a result of the local or state coastal programs shall be maintained by the individual or company responsible for the dredging.

Policy 18. Vegetation, or other innovative techniques shall be used to the maximum extent practicable to stabilize eroding shorelines rather than hard surface practices, such as bulkheads or seawalls. In fact, hard surfacing practices shall be discouraged to the maximum extent practicable.

Policy 19. Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish

and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Should suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

Policy 20. Permits issued for activities that require dredge and fill or maintenance shall make positive use of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat.

In addition to these guidelines, the LCP Administrator is required to apply the more general statewide Coastal Use Guidelines that appear in the FEIS on the Louisiana Coastal Resources Program (1980) when evaluating activities in this EMU. Where EMU policies affect Uses of State Concern, the St. Tammany Parish policies are intended as recommendations to CMD/DNR and are not legally binding on the permit applicant or the state program.

Floodplain EMU, Tchefuncte River (Figure 1)

The Floodplain EMU is essentially the watershed of the Tchefuncte River north of the La. Hwy. 22 bridge in Madisonville and the channel of the river between the bridge and Lake Pontchartrain. Most of the EMU is Pleistocene uplands above the 5 ft contour. It is similar in physical and biological characteristics to the surrounding EMU. Soils are of the Myatt-Stough Association which occur as broad flats or depressed areas. The biggest difference between this and surrounding EMUs is the intensity of development. Subdivisions have radically modified the vegetative cover and the land use.

Within the Tchefuncte River valley are bottomland hardwoods and cypress and tupelo gum swamps. These are regularly inundated wetlands of low elevation and low relief. Soils are loams of the Bibb-Mantachie Association which have severe limitations for development, i.e, the limitations are difficult to overcome. Marinas, high density development, and commercial/industrial activities occupy most of the channel shoreline from I-12 to south of the La. Hwy. 22 bridge.

Fairview Riverside State Park is located in the valley just north of La. Hwy. 22 and east of Madisonville. The river is a state designated scenic stream. Madisonville is an old St. Tammany Parish community on the right descending bank of the Tchefuncte River.

Cultural resources are likely in association with natural stream and bayou channels, especially on natural levees and on the escarpments overlooking the floodplain. In most instances, the prehistoric sites will be shell middens of predominantly rangia shell nearest the lake and possibly Unio (freshwater clams) further inland. Historic sites are in association with primary water courses, such as the navigable waterways, and tend to be concentrated in the communities that serve as ports or summer recreation centers on the north shore. The Louisiana State Historic Preservation Office, Division of Archaeology in the Department of Culture, Recreation and Tourism, and the Cultural Resources Section, U.S. Army Corps of Engineers, New Orleans District, record the location and characteristics of each site. This information is available on a need-to-know basis and can be readily obtained for planning purposes. In order to help maintain the integrity of the archaeological and historical resources in the EMU, it is best not to identify each site in this study.

The greatest problem in the EMU is encroachment of all forms of development into the wetlands and bottomland hardwoods that are also floodprone. These types of projects require dredging and filling for the construction of the marina, boat launch, or recreation area. Homes and camps are being placed as close as possible to the river.

Uses of local concern along navigable waterways require a LCP permit. Examples of activities that occur above 5 ft MSL, or in fastlands, that may have a direct and significant impact on coastal waters include solid waste dumps, sewage plants, industrial facilities that clean or refurbish tanks, trucks, or other equipment, and food processing plants.

Goals for EMU 2

1. Protect the cypress swamp and associated riparian habitat that lies between the Tchefuncte River and the Pleistocene uplands.

2. Protect or restore the water quality of the Tchefuncte River.
3. Protect vegetation along the shoreline of the river to prevent erosion, enhance water quality, and retain aesthetic value of the watercourse.
4. Encourage development on the Pleistocene uplands and on soils that are suitable for development and where there is a minimal threat of flooding.
5. Protect cultural resources within the EMU from destruction or unauthorized excavation.
6. Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.
7. To the maximum extent practicable, development shall be prohibited in a floodplain or floodway that would increase the effects or impacts of flooding on downstream areas.

Policies

Policy 1. All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.

Policy 2. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish or shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.

Policy 3. Existing transportation systems, development corridors, pipeline rights-of-way, and entry points shall be used when accessing or traversing the Tchefuncte River and adjacent wetlands.

Policy 4. Development shall be encouraged on the Pleistocene uplands and other lands above 5 ft MSL or fastlands within the EMU. Development in other areas shall be limited to development as long as it does not adversely impact the adjacent wetlands or water bodies. Floodplains and floodways shall be avoided to the maximum extent practicable.

Policy 5. Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.

Policy 6. There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.

Policy 7. Any mitigation for a coastal use within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.

Policy 8. Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavation.

Policy 9. Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.

Policy 10. Surface alterations shall be designed and permittee shall be encouraged to use urban, construction, and agricultural best management practices so that the project does not adversely degrade the surface or ground water quality of the project area or adjacent areas.

Policy 11. Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent

discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.

Policy 12. Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.

Policy 13. Vegetation, or other innovative techniques to stabilize eroding shorelines shall be used to the maximum extent practicable rather than hard surface practices, such as bulkheads or seawalls.

Policy 14. Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Should suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

Policy 15. Permits issued for activities that require dredge and fill or maintenance shall make positive use of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat.

In addition to these guidelines, the LCP Administrator is required to use the more general statewide Coastal Use Guidelines that appear in the FEIS on the Louisiana Coastal Resources Program (1980) when evaluating activities in this EMU. Where EMU policies affect Uses of State Concern, the St. Tammany Parish policies are intended as recommendations to the state administrator and are not legally binding on the permit applicant or the state program.

Marsh-lowland EMU (Figure 2)

The Marsh-lowland EMU extends from Causeway Blvd. on the west to the Pearl River Basin on the east. The northern part of the EMU is the Pleistocene uplands with elevations ranging from over 20 ft MSL near I-12 to just under 5 ft at the Pleistocene Recent contact. The best foundation conditions are on the Pleistocene; however, faults do cross from east to west and because they are active, may cause problems. Soils are of the Myatt-Stough Association that are broad flats and depressed areas. The floodplains along the water courses crossing the Pleistocene uplands are composed of soils of the Bibb-Mantochie Association. These are nearly level loams that are frequently flooded. A potential exists for subsidence of the floodplain soils when drained.

The wetlands (marshes and swamps) that fringe the shore of Lake Pontchartrain (Table 6) are the outstanding characteristic of the EMU. A band exists between Fontainebleau State Park and U.S. Hwy. 11 south of Slidell. The wetlands grade from grassbeds in the lake through brackish marsh to intermediate marsh and finally swamp on the edge of the Pleistocene uplands. Between the Salt Bayou Road (La. Hwy. 433) and U.S. Highways 90 and 190 is the Fritchie Marsh of brackish to fresh vegetation. All of these wetlands are subject to regular, periodic inundation from storm surge or high tides. Soils are of the Marsh Association and are characterized by high organic content. When drained the potential for subsidence is very high. The wetlands are considered to be very valuable habitat and nursery areas within the Lake Pontchartrain estuary. Important grassbeds in the nearshore shallows of Lake Pontchartrain are not within this EMU.

Mandeville, on a piece of the Pleistocene uplands that reaches Lake Pontchartrain, is the only city located on the shore. A concrete seawall protects the shore from erosion, a problem that plagues most of the rest of the shore of the EMU. On the Pleistocene intensive development is taking place in the vicinity of Mandeville, at the end of the Lake Pontchartrain Causeway, and from Slidell west along Bayou Bonfouca and Bayou Liberty. The latter is at the first I-

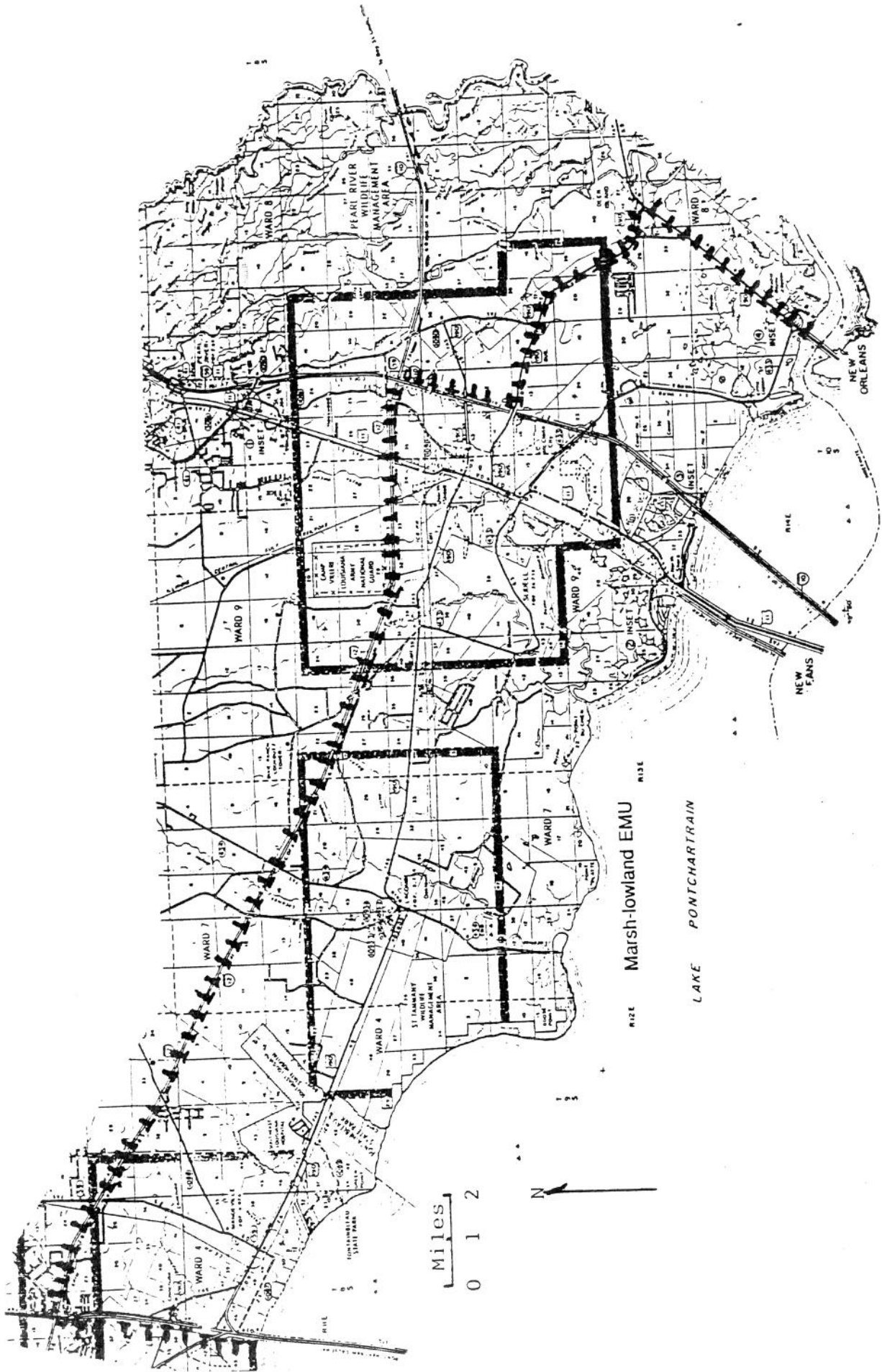


Figure 2. Marsh-lowland EMU.

10 exits east of New Orleans. The U.S. 190 corridor between Slidell and Mandeville is the focus of development as more families move to the north shore of Lake Pontchartrain from New Orleans. This migration is expected to continue, but perhaps at a decreased rate from the explosion years of the early 1980s.

Clusters of development, such as North Shore Beach, North Shore, Salt Bayou, Treasure Island, Rigolets Estates, along U.S. Highway 90, and south of Lacombe, are composed of camps and permanent homes and are the only intensive use of the wetlands. All of the major natural water courses, Bayou Castine, Cane Bayou, Bayou Lacombe, and Salt Bayou, as well as dredge access points, such as North Shore Beach, U.S. 11 borrow canal, and Rigolets Estates, have boat launches and/or marinas. South of Slidell is Eden Isles, a Florida-type canal development with a large marina. One fastland is found east of I-10, Drainage District East. South of Lacombe is an Enterprise Zone within Ward 7. Pipelines cross the wetlands east of Bayou Lacombe. Cane Bayou, Bayou Liberty, and Bayou Lacombe are state designated scenic streams. The St. Tammany Wildlife Refuge extends from Cane Bayou to Bayou Lacombe along the Lake Pontchartrain shoreline.

The Pleistocene uplands, which are for the most part above 5 ft in elevation, are being rapidly developed. Mandeville and Slidell can be expected to soon coalesce to form one large urban center. The Pleistocene uplands are the lands most suited for development because of their better foundation conditions and lower potential for flooding.

Cultural resources are likely in association with natural stream and bayou channels, especially on natural levees, on the relict Pleistocene features in the marsh, and on the escarpments overlooking the floodplain. In most instances the prehistoric sites are shell middens of predominantly rangia shell nearest the lake and possibly Unio (freshwater clams) the further inland the site. Historic sites are in association with primary water courses, such as the navigable waterways, and tend to be concentrated in the communities that serve as ports or summer recreation centers on the north shore. The Louisiana State Historic Preservation Office, Division of Archaeology in the Department of Culture, Recreation and Tourism, and the Cultural Resources Section, U.S. Army Corps

of Engineers, New Orleans District, record the location and characteristics of each site. This information is available on a need-to-know basis and can be readily obtained for planning purposes. In order to help maintain the integrity of the archaeological and historical resources in the EMU, it is best not to identify each site in this study.

The greatest problem of this EMU is loss of wetlands due to natural processes, including shoreline erosion and subsidence. Several conflicts also affect the EMU. Among them are encroachment of development into wetlands (existing and potential) in the Mandeville, Lacombe, and Slidell areas, poor water quality that is common on most streams draining the intensively developed uplands, and the Enterprise Zone that is within Ward 7, just south of Lacombe. In addition, several pipelines cross the wetlands west of Bayou Lacombe. Uses of local concern along navigable waterways require a LCP permit. Examples of activities that occur above 5 ft MSL, or in fastlands, that may have a direct and significant impact on coastal waters include solid waste dumps, sewage plants, industrial facilities that clean or refurbish tanks, trucks, or other equipment, and food processing plants.

Goals for EMU 3

1. Protect and conserve the environmental quality of the EMU.
2. Protect the wetlands from further degradation and/or destruction from natural or man-related causes.
3. Reduce shoreline erosion and where possible restore the integrity of the shorelines.
4. Preserve the integrity of the wetlands.
5. Protect the water quality of the EMU and work toward improving those areas where degradation has already take place.
6. Impose mitigation conditions upon dredge and fill permits so spoil is used to create new wetlands or retard shoreline erosion.

7. Encourage development in those areas where soil conditions are suitable and there is a minimal threat of flooding.
8. Encourage comprehensive wetlands planning and management for all wetlands.
9. Protect the cultural resources within the EMU from destruction or unauthorized excavation.
10. Encourage landowners to become more involved in protecting the wetlands and retarding wetlands loss.
11. Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.
12. To the maximum extent practicable, buffers and transition zones shall surround valuable wetlands in the EMU.

Policies

Policy 1. All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.

Policy 2. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish and shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.

Policy 3. Existing transportation systems (roads, pipeline rights-of-way, waterways), development corridors, and entry points shall be used to the

maximum extent practicable when accessing or traversing the lake shoreline or the wetlands.

Policy 4. Development on the Pleistocene uplands and other lands above 5 ft MSL and fastlands within the EMU shall be encouraged. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies or will not be damaged by repetitive flooding.

Policy 5. Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development. Coastal water dependent uses if permitted shall be allowed only in wetlands with the lowest habitat productivity, flood retention, or erosion protection values or adjacent to preexisting water dependent uses.

Policy 6. There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.

Policy 7. Shoreline vegetation along lakes, canals, or natural water courses shall be protected to retard erosion and enhance water quality.

Policy 8. Flood protection levees shall be encouraged when placed on the exposed Pleistocene uplands and designed so that they will not adversely affect the migration of valuable wetland species due to potential sea level rise. They shall not encroach onto the Recent surface.

Policy 9. Any mitigation for a coastal use within the EMU shall first be evaluated for implementation within the EMU. However, if this is not practical the mitigation measures shall remain within the parish.

Policy 10. Comprehensive wetlands conservation plans shall be prepared for selected wetlands, such as the area south of U.S. 190 and between Cane Bayou and Bayou Lacombe.

Policy 11. Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavations.

Policy 12. Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.

Policy 13. Surface alterations shall be designed so that they do not degrade the ground or surface water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of impervious surfaces, and incorporate urban construction, agriculture, and silvaculture, best management practices (including sediment and erosion control, stormwater management and septic system installation and operation) to the maximum extent practicable.

Policy 14. Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.

Policy 15. Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.

Policy 16. The LCP Administrator shall work with landowners to investigate the practicality and feasibility of initiating a wetlands conservation program for their holdings. The parish shall investigate possible funding mechanisms, such as tax incentives or impact fees, for assisting landowners in initiating and maintaining a federal and state permitted wetlands management plan.

Policy 17. Dams, plugs, and spoil banks constructed as a result of the coastal program shall be maintained by the individual or company responsible for the dredging.

Policy 18. All new pipeline canals shall use push ditch method of channel construction and backfill the pipeline channel. Plugs shall be placed near the mouth of the pipeline channel and backfilled 50 ft in front and 50 ft in back of the plug (100 ft total plus the plug).

Policy 19. Vegetation, or other innovative techniques to stabilize eroding shorelines shall be used to the maximum extent practicable rather than hard surface practices, such as bulkheads or seawalls.

Policy 20. Mineral extraction shall use board roads to the maximum extent practical. These roads shall have a minimal adverse impact on hydrologic circulation through the installation of bridges over channels and periodic spacing of culverts. The embankments within the wetlands shall be removed after activities cease if this is the best management practice for the place and time.

Policy 21. Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Should suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

Policy 22. Permits issued for activities that require dredge and fill or maintenance shall make positive uses of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat.

In addition to these guidelines, the LCP Administrator is required to use the more general statewide Coastal Use Guidelines that appear in the FEIS on the Louisiana Coastal Resources Program (1980) when evaluating activities in this EMU. Where EMU policies affect Uses of State Concern, the St. Tammany Parish policies are intended as recommendations to the state Administrator and are not legally binding on the permit applicant or the state program.

Pearl River Basin and Delta EMU (Figure 3)

The Pearl River Basin and Delta EMU is in the southeast corner of St. Tammany Parish. This EMU includes the alluvial valley and active delta of the river and only a small section of Pleistocene. The whole EMU is of low elevation and low relief with poor foundation conditions mostly on the Recent surface. Soils on the Pleistocene uplands are sandy loams of the Myatt-Stough Association that are nearly level broad flats and depressed areas. Soils are high in organics and have a very high potential for subsidence when drained. Prevost Island and Apple Pie Ridge are two older features that have elevations of over 5 ft MSL. Between U.S. 190 and I-10, elevations will be above 15 ft MSL. Almost all of the EMU is subject to regular flooding. Soils in the basin are of the Bibb-Mantachie Association of fine sandy loams. Delta soils are of the Marsh Association that is high in organics. The basin and delta are considered to be very valuable wildlife and fisheries habitat. In fact, the White Kitchen area is noted for its nesting pairs of bald eagles. This area has recently been purchased by the Nature Conservancy and transferred to the Louisiana Department of Wildlife and Fisheries.

Development in the form of subdivisions and camps has taken place east of Slidell, along U.S. Highway 190 toward the White Kitchen area, and in the vicinity of The Rigolets on U.S. 90. Several roads lead from Slidell into the Pearl River basin and provide access to the West Pearl River. Boat launches are also available along U.S. 90. Most of the EMU within the basin and delta is owned by the state or federal government and serves as a conservation area. Some areas are privately owned and have been leased for oil and gas exploration. The West Pearl River is a state scenic stream.

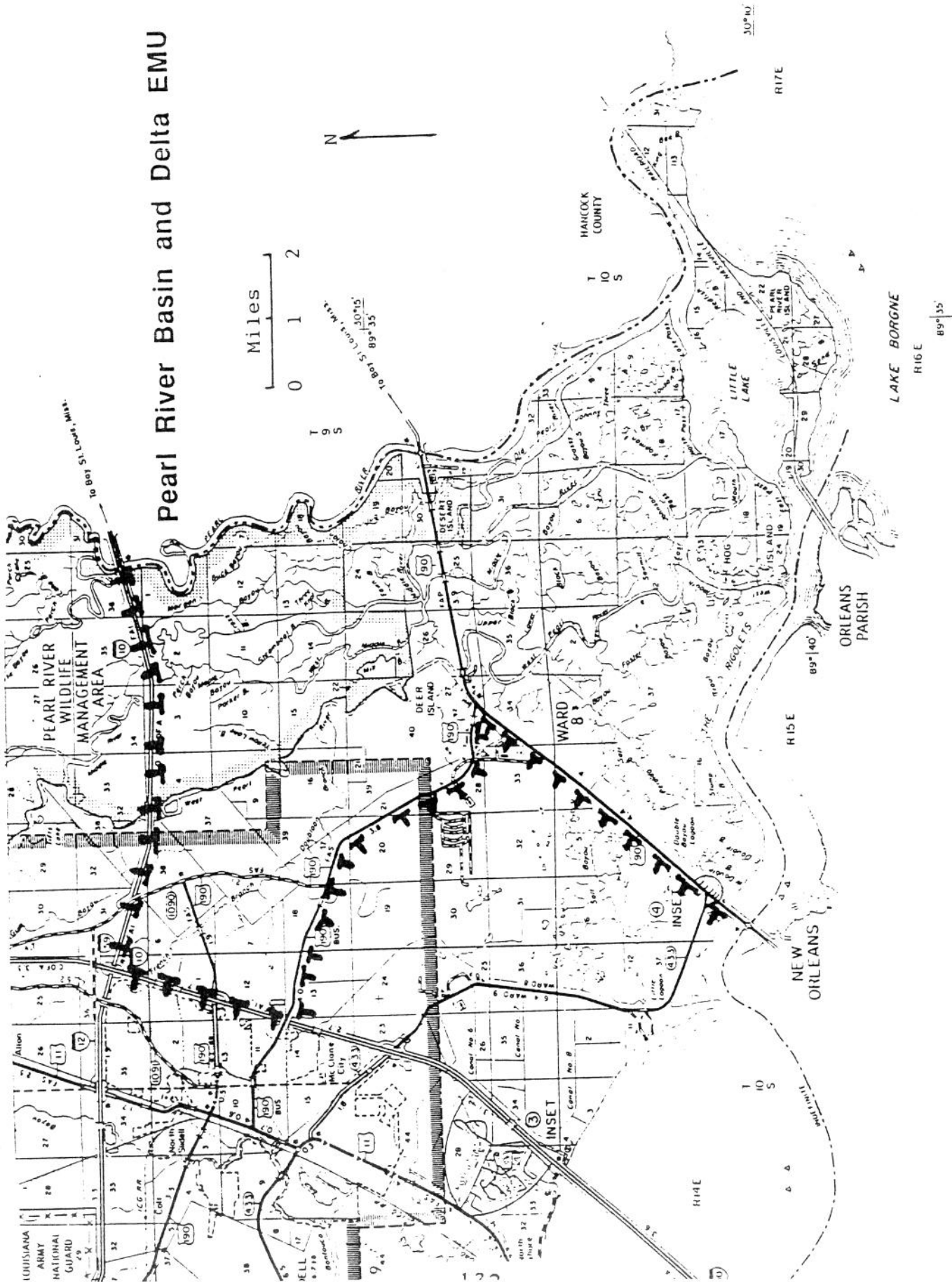


Figure 3. Pearl River Basin and Delta EMU.

Cultural resources are likely in association with natural stream and bayou channels, especially on natural levees and on the escarpments overlooking the floodplain. In most instances the prehistoric sites are shell middens of predominantly rangia shell nearest the lake and possibly Unio (freshwater clams) further inland. Historic sites are in association with primary water courses, such as the navigable waterways, and tend to be concentrated in the communities that served as ports or summer recreation centers on the north shore. The Louisiana State Historic Preservation Office, the Division of Archaeology in the Department of Culture, Recreation and Tourism, and the Cultural Resources Section, U.S. Army Corps of Engineers, New Orleans and Vicksburg Districts, record the location and characteristics of each site. This information is available on a need-to-know basis and can be readily obtained for planning purposes. In order to help maintain the integrity of the archaeological and historical resources in the EMU, it is best not to identify each site in this study.

The primary conflict in this EMU is encroachment of development into wetlands and floodprone areas, such as the areas east of Slidell, along US Hwy 190 and US Hwy 90. An Enterprise Zone extends east from Slidell into the Pearl River Basin and may be considered a potential conflict. In addition, the Tuscaloosa trend is beneath the parish and eventually will encourage greater activities by petroleum interests. The EMU is extensively used for hunting, fishing, and general recreation. A conflict will develop as pressure increases for more access points to the wetlands. Uses of local concern along navigable waterways require a LCP permit. Examples of activities that occur above 5 ft MSL, or in fastlands, that may have a direct and significant impact on coastal waters include solid waste dumps, sewage plants, industrial facilities that clean or refurbish tanks, trucks, or other equipment, and food processing plants. 9

Goals for EMU 4

1. Protect and conserve the environmental quality of the EMU.

2. Protect the cypress swamps and diversity of habitat within the river basin and the delta.
3. Work closely with the Louisiana Department of Wildlife and Fisheries to enhance the wildlife areas of the EMU.
4. Encourage the acquisition of additional swamps and marshes for incorporation into the state wildlife system.
5. Encourage the more intensive economic activities to take place on those lands suited for development.
6. Encourage the mineral extraction that does take place to be done in an environmentally sound manner that minimizes adverse impacts on the wetlands and water bodies of the EMU.
7. Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.

Policies

Policy 1. All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.

Policy 2. Spoil shall not be randomly or haphazardly deposited in wetlands or water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish and wildlife, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct. However, activities requiring dredge and fill shall be discouraged to the maximum extent practicable.

Policy 3. Existing transportation systems (roads, pipeline rights-of-way, waterways), development corridors, and entry points shall be used to the

maximum extent practicable when accessing or traversing the river or the wetlands.

Policy 4. Development shall be encouraged on the Pleistocene uplands and other lands above 5 ft MSL and fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies and will not suffer repetitive flood damage.

Policy 5. Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.

Policy 6. There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.

Policy 7. Shoreline vegetation along lakes, canals, or natural water courses shall be protected to retard erosion and enhance water quality.

Policy 8. Any mitigation for a coastal use within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.

Policy 9. Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavation.

Policy 10. Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.

Policy 11. Surface alterations shall be designed so they do not adversely affect (degrade) the water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of impervious surfaces, and incorporate urban construction, agriculture, and silvaculture, best management practices (including sediment and erosion

control, stormwater management and septic system installation and operation) to the maximum extent practicable.

Policy 12. Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.

Policy 13. Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.

Policy 14. Mineral extraction shall use board roads to the maximum extent practical. These roads shall have a minimal adverse impact on hydrologic circulation through the installation of bridges over channels and periodic spacing of culverts. The embankments within the wetlands shall be removed after activities cease if this is the best management practice for the place and at the time.

Policy 15. Riprap, vegetation, or other innovative techniques to stabilize eroding shorelines shall be used rather than hard surface practices, such as bulkheads or seawalls.

Policy 16. Directional drilling from existing canals is an important alternative when evaluating extraction of resources and shall be given serious consideration.

Policy 17. Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in

the same watershed. Should suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

Policy 18. Permits issued for activities that require dredge and fill or maintenance shall make positive uses of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat.

In addition to these guidelines, the LCP Administrator is required to use the more general Coastal Use Guidelines that appear in the FEIS on the Louisiana Coastal Resources Program (1980) when evaluating activities in this EMU. Where EMU policies affect Uses of State Concern, the St. Tammany Parish policies are intended as recommendations to the state administrator and are not legally binding on the permit applicant or the state program.

VII. PUBLIC PARTICIPATION

This section includes:

copies of public notices and documentation of mail delivery of draft documents;

a summary of the two public hearings, the first on March 20 at the City Auditorium in Slidell and the second on March 21 in the St. Tammany Parish Administrative Complex, Police Jury Chambers; and

copies of the written comments received as a result of the circulation of the draft Local Coastal Program document and responses to these comments.

The written and oral comments focused on the ordinance, its implementation, and the relation of the Police Jury to the local coastal program. The ordinance and implementation procedures have been revised to clarify several issues of concern to the reviewers. The program document has been revised as suggested in the comments. Several of the comments requested changes that are beyond the scope of a local coastal program as defined by state law and no changes could be made.



FLOYD D. GLASS
PRESIDENT

BARRY BAGERT
VICE-PRESIDENT

FLOYD D. GLASS, DIST. 1
CLYDE KEATING, DIST. 2
JAMES A. "RED" THOMPSON, DIST. 3
WILL GRIFFIN, DIST. 4
KERRY HARWELL, SR., DIST. 5
GARY SINGLETARY, DIST. 6
TERRENCE J. HAND, DIST. 7

ST. TAMMANY PARISH POLICE JURY
DEPARTMENT OF DEVELOPMENT
P.O. BOX 628
COVINGTON, LOUISIANA 70434
898-2529 OR 646-4085

DAVID DOHERTY, JR., DIST. 8
BARRY BAGERT, DIST. 9
M. W. WEBB HART, DIST. 10
STEVE STEFANCIK, DIST. 11
KEVIN DAVIS, DIST. 12
J. MILTON GIBSON, DIST. 13
ANTHONY ALFRED, DIST. 14

March 6, 1990

Mr. Greg Ducote, Manager
Department of Natural Resources
Coastal Management Division
P. O. Box 44487
Baton Rouge, LA 70804

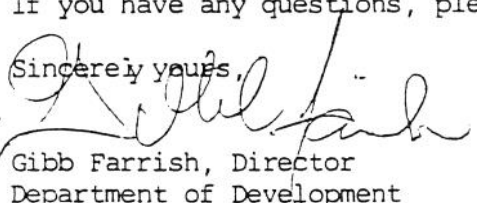
SUBJECT: Certification of Publication and Return Receipt
Documentation for St. Tammany Local Coastal
Program

Dear Greg:

For your records, please find transmitted copies of proof of publication from the States-Times, The Times-Picayune and The St. Tammany Farmer. Also, please find transmitted copies of domestic return receipts from the review agencies with the exception of NOAA/OCRM. Their receipt has been lost in the mail. I have enclosed documentation proving that we did transmit the local program to NOAA/OCRM.

If you have any questions, please do not hesitate to contact me at 898-2529.

Sincerely yours,


Gibb Farrish, Director
Department of Development

GF:cgw

Enclosures

RECEIVED FEB 21 1990

CAPITAL CITY PRESS

Publisher of

STATE-TIMES

PROOF OF PUBLICATION

The hereto attached notice was published in the STATE-TIMES, a daily newspaper of general circulation, published in Baton Rouge, Louisiana, and the Official Journal of the State of Louisiana, the City of Baton Rouge and the Parish of East Baton Rouge, in the issues of:

February 15, 1990

Vicki Thompson

Advertising Representative

Sworn and subscribed before me by the person whose signature appears above in Baton Rouge, La.

on this

15 February 90

day of 19 AD.

Elaine Bondelon

Notary Public

My Commission Expires: Indefinite

PUBLIC NOTICE

PUBLIC HEARING ON AND AVAILABILITY OF ST. TAMMANY PARISH LOCAL COASTAL PROGRAM DOCUMENT

The St. Tammany Parish Police Jury is evaluating the desirability of instituting a Local Coastal Program for the Parish. A document describing the Local Coastal Program has been prepared through the Department of Development, Office of Planning in Covington and is available for review and comment by the general public. Copies of the St. Tammany Parish Local Coastal Program document are at the following locations during normal business hours:

Office of Planning, Department of Development, 428 E. Boston St., Covington, LA

The Main Library and all branches of the St. Tammany Parish Library system.

The Office of the Coastal Management Division, Louisiana Department of Natural Resources, Tenth Floor, Natural Resources Building, Baton Rouge, LA

Two Public Hearings will be held to explain the Local Coastal Program and to receive public comments. The first meeting will be at 7:00 P.M. on March 20, 1990 at the City Auditorium in Slidell, LA. The second meeting will be at 7:00 P.M. on March 21, 1990 in the St. Tammany Parish Administrative Complex, Police Jury Chambers, in Covington, LA.

Anyone wishing to submit written comments concerning the Local Coastal Program has 10 days after the second hearing to do so. Comments should be sent to:

Mr. Greg DuCote, Manager, Local Coastal Programs Section, Coastal Management Division, Department of Natural Resources, P. O. Box 44487, Baton Rouge, LA 70804

Copies of the Local Coastal Program document are available for the cost of reproduction and postage from the Office of Planning. Should any have any questions please contact:

Mr. Gibb Farrish, Director of Planning, Department of Development, St. Tammany Parish, P. O. Box 628, Covington, LA 70434

ST-67572-feb 15-11



The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097 TELEPHONE (504) 826-3206

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of the Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached

Special Notices

Re: Public Hearing on and Availability of St. Tammany Parish Local Coastal Program Document.
Advertisement of St. Tammany Parish

Office of Planning
Department of Development
428 E. Boston Street
Covington, LA 70434

Was published in The Times Picayune

on the following dates: February 15, 1990

Robert Chiasson

Sworn to and subscribed before me this

22nd day of February A.D., 19 90

[Signature]
Notary Public

My commission expires at my death.

PUBLIC NOTICE
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Department of Natural Resources
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Mr. Gibb Ferrish
Director of Planning
Department of Development
St. Tammany Parish
P.O. Box 428
Covington, LA 70434

AFFIDAVIT OF PUBLICATION

STATE OF LOUISIANA

PARISH OF ST. TAMMANY

Before me, Notary, personally came and appeared Brenda Byrd Willis
who, being duly sworn, did depose and say that she is a clerk of

THE ST. TAMMANY FARMER

a newspaper of general circulation published within the Parish of St. Tammany, and that the legal notice
St. Tammany Parish Police Jury Public Hearing on and availability
of St. Tammany Parish Local Coastal Program Document

As per copy attached hereto, was published in said issue (s) of _____
February 15, 1990

PUBLIC NOTICE

PUBLIC HEARING ON AND AVAILABILITY OF ST. TAMMANY PARISH LOCAL COASTAL PROGRAM DOCUMENT

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Brenda Byrd Willis

me this 22 day of Feb. 19 90

Charlotte Williams
NOTARY PUBLIC

DY. CLERK & EX-OFFICIO NOTARY PUBLIC
ST. TAMMANY PARISH, LOUISIANA

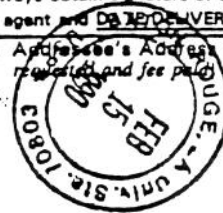
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2/15/90

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3. Article Addressed to: MR. RICK RUBISMAN NATIONAL MARINE FISHERIES SERVICE AREA SUPERINTENDENT HABITAT CONSERVATION DIVISION LSU CENTER FOR WETLANDS RESOURCES BATON ROUGE, LA 70803-1345	4. Article Number P 820 178 027 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
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3. Article Addressed to: MR. DAVID RAISEY, SECRETARY DEPARTMENT OF HEALTH & HOSPITALS P. O. BOX 3776 BATON ROUGE, LA 70821	4. Article Number P 820 178 031 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid) RECEIVED FEB 20 1990
6. Signature - Agent X <i>[Signature]</i>	
7. Date of Delivery 2-16-90	

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3. Article Addressed to: MR. PAUL TEMPLET, SECRETARY DEPARTMENT OF ENVIRONMENTAL QUALITY P. O. BOX 44066 BATON ROUGE, LA 70804		4. Article Number P 820 178 028	
5. Signature - Address X RECEIVED FEB 15 1990		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature - Agent X <i>Elvina Mumpfield</i>		Always obtain signature of addressee or agent and DATE DELIVERED.	
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3. Article Addressed to: MR. NEIL WAGONER, SECRETARY DEPT. OF TRANSPORTATION & DEVELOPMENT P. O. BOX 94245 BATON ROUGE, LA 70804-9245		4. Article Number P 820 178 026	
5. Signature - Address X RECEIVED FEB 15 1990		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature - Agent X <i>Elvina Mumpfield</i>		Always obtain signature of addressee or agent and DATE DELIVERED.	
7. Date of Delivery		8. Addressee's Address (ONLY if requested and fee paid) 14 1990 BATON ROUGE OFFICE USPS	

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3. Article Addressed to: MS. VIRGINIA VAN SICKLE, SECRETARY DEPARTMENT OF WILDLIFE & FISHERIES P. O. BOX 98000 BATON ROUGE, LA 70898-9000		4. Article Number P 820 178 024	
5. Signature - Address X		Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise	
6. Signature - Agent X <i>A. H. Gray</i>		Always obtain signature of addressee or agent and DATE DELIVERED.	
7. Date of Delivery 2-15-90		8. Addressee's Address (ONLY if requested and fee paid) RECEIVED FEB 20 1990	

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3. Article Addressed to: DISTRICT ENGINEER U S ARMY CORPS OF ENGINEERS NEW ORLEANS DISTRICT P. O. BOX 60267 NEW ORLEANS, LA 70160	4. Article Number P 820 178 021 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid) RECEIVED FEB 20 1990
6. Signature - Agent X	
7. Date of Delivery FEB 16 1990	

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3. Article Addressed to: Copy Eng P.O. Box 60 Urbahay Ms 39140	4. Article Number 820178022 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Addressee X	8. Addressee's Address (ONLY if requested and fee paid) RECEIVED FEB 20 1990
6. Signature - Agent 	
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3. Article Addressed to: COMMANDING OFFICER U S COAST GUARD MARINE SAFETY OFFICER 1440 CANAL STREET NEW ORLEANS, LA 70112-1711 ATTN: COPT	4. Article Number P 820 178 025 Type of Service: <input type="checkbox"/> Registered <input type="checkbox"/> Insured <input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise Always obtain signature of addressee or agent and DATE DELIVERED.
5. Signature - Address X	8. Addressee's Address (ONLY if requested and fee paid) RECEIVED FEB 16 1990
6. Signature - Agent X	
7. Date of Delivery 2/15/90	

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LC2P Hi

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1. Show to whom delivered, date, and addressee's address. (Extra charge)
2. Restricted Delivery (Extra charge)

<p>3. Article Addressed to:</p> <p>MR. DAVE FRUGE U S WILDLIFE & FISHERIES SERVICE 825 KAISTE SALOON ROAD BRANDYWINE II SUITE 102 LAFAYETTE, LA 70508</p>	<p>4. Article Number P 820 178 029</p> <p>Type of Service:</p> <table><tr><td><input type="checkbox"/> Registered</td><td><input type="checkbox"/> Insured</td></tr><tr><td><input checked="" type="checkbox"/> Certified</td><td><input type="checkbox"/> COD</td></tr><tr><td><input type="checkbox"/> Express Mail</td><td><input type="checkbox"/> Return Receipt for Merchandise</td></tr></table> <p>Always obtain signature of addressee or agent and DATE DELIVERED.</p>	<input type="checkbox"/> Registered	<input type="checkbox"/> Insured	<input checked="" type="checkbox"/> Certified	<input type="checkbox"/> COD	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise
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<input type="checkbox"/> Express Mail	<input type="checkbox"/> Return Receipt for Merchandise						
<p>5. Signature - Address X</p>	<p>8. Addressee's Address (ONLY if requested and fee paid)</p>						
<p>6. Signature - Agent X <i>D. Altman</i></p>	<p>RECEIVED FEB 16 1990</p>						
<p>7. Date of Delivery 2-14-90</p>							

1990 LOCAL COASTAL ZONE MANAGEMENT PROGRAM
PUBLIC HEARING NO.1

March 20, 1990

APPEARERS

NAME	ADDRESS
Lloyd Baehr	3834 Brook Wood Drive, Slidell LA 70458
Christopher (Chris) Andry	220 N. Jayson Drive, Slidell, LA 70458
John E. Jordan	Rt. 5 Box 5, Slidell, LA 70460
Carol St. Pierre	400 Voters Road, Apt. 129, Slidell, LA 70461
Lisa Siless	Rt. 3 Box 251, Pearl River, LA 70452
Timothy G. Penot	128 Herwig Bluff Road, Slidell, LA 70461
Carl Helwig	523 Legendre Drive, Slidell, La
Debbie Cook	P.O. Box 1654, Lacombe, LA 70445
David Willsey	804 N. Grand Lane Court, Slidell, LA 70461
J. Beth Robertson	145 Rue Royal, Slidell, La
Donna Errington	103 Kris Drive, Slidell, LA 70458
Hal Reinstra	61253 Brittany Drive, Lacombe, LA 70445
Ken Countryman	307 State Road, Slidell, LA 70461
Dale J. Messina	Rt. 2 Box 1437, Lacombe, LA 70445
John A. Davis	178 W. Pinewood Drive, Slidell, LA 70458
Steve Stefancik	207 Queen Anne Drive, Slidell, LA 70460
Patrick McGehee	6419 St. Roch Avenue, New Orleans, LA 70122
Charles Ryke	6717 Madewood Street, Metairie, LA 70003
Manyetta L. Smith	213 Singal Hill Drive, Vicksburg, MS 39180
Anna W. Schoonover	U.S. Army Corps of Engineers Vicksburg District Regulatory Branch P.O. Box 60 Vicksburg, MS 39180
Gary Dragon	428 E. Boston Street, Covington, LA 70433
Bill Hathaway	2151 Second Street, Slidell, LA 70458
L.C. Aycock	360 Oil & Car Building, 110 Tulane Avenue, New Orleans, LA 70112
James F. Palmer	570 Marylin Drive, Mandeville, LA 70448
Carol Vergin	116 Blackbeard Drive, Slidell, LA 70461
Darlyn Guene	118 Blackbeard Drive, Slidell, LA 70461
Kevin Davis	3566 Walter Drive, Slidell, LA 70458
Michael Conroy	Lake Pontchartrain Basin Foundation P.O. Box 6965, Metairie, LA 70009
David P. Levy	527 Legendre Drive, Slidell, LA

PUBLIC HEARING NO.1

ST. TAMMANY PARISH LOCAL COASTAL PROGRAM AND DOCUMENT

7:00 PM
March 20, 1990
Slidell Auditorium
Slidell, La.

On Tuesday, March 20, 1990 the first of two scheduled public hearings was held on the St. Tammany Parish Local Coastal Program and Document. The meeting was opened at 7:00 PM by Mr. Allan Cartier, Parish Administrator. He introduced parish officials and the parish consultant responsible for the Local Coastal Program and document: Mr. Barry Baggert, Police Jury Vice President; Mr. Gibb Farrish, Director of Department of Development; Mr. Gerald Begue, Planning Commission and Zoning Commission member; and Dr. Rod E. Emmer, Environmental Planner and parish consultant. A transcript of the Public Hearing is available for review and copying at the Department of Development, St. Tammany Parish Administrative Complex, 428 E. Boston St., Covington, La. 70433. This summary presents the comments which were recorded during the Public Hearing. Written comments and responses are presented in a separate section of the St. Tammany Parish Local Coastal Program Document.

The purpose of the public hearing was to present the proposed St. Tammany Parish Local Coastal Program (LCP) and to receive comments, both oral and written, on the program. Mr. Cartier gave an overview of the program and the concerns of parish government when it initiated the creation of a LCP. Following Mr. Cartier, Dr. Emmer summarized the purpose of the LCP, listed the advantages of participating in such a program, described the physical, biological and socioeconomic setting of the parish, defined the area of the parish to which the LCP applies, and outlined the components of the program. This description included:

1. a presentation of Goals, Objectives and Policies that would apply throughout the parish;
2. the more specific Goals, Objectives and Policies that were developed for each of the four Environmental Management Units defined for the parish;
3. a discussion of the LCP application procedures;
4. the types of projects that are subject to the LCP (that is, uses of local concern in contrast to uses of state concern);
5. the relation and coordination between the Coastal Management Division, Louisiana Department of Natural Resources and the parish;

1990 LOCAL COASTAL ZONE MANAGEMENT PROGRAM
PUBLIC HEARING NO.2

March 21, 1990

APPEARERS

NAME	ADDRESS
Mark & Mary Hebert	20191 5th Avenue, Covington, LA 70433
Gene Joanen	33 Mistletoe Drive, Covington, LA 70433
Rusty Burns	1710 W. 11th Avenue, Covington, LA 70433
Laura Lee Graber	P.O. Box 1823, Covington, LA 70433
Virginia Fortson City of Mandeville	3101 E. Causeway Approach Mandeville, LA 70448
Ken Faust/Brown & Root USA	1112 Engineers Road, Belle Chase, LA 70037
Jack Moger	1112 Engineers Road, Belle Chase, LA 70037
Don Chailland/Brown & Root USA	1112 Engineers Road, Belle Chase, LA 70037
Barbara Owens	113 Riverdale, Covington, LA 70433
Barbara Dodds	143 Tchefuncte Drive, Covington, LA 70433
Richard L. Muller	200 Greenleaves Boulevard Mandeville, LA 70448
Brian Fortson	122 Sandra Dez Mar, Mandeville, LA 70448
Al Strain	P.O. Box 471, Abita Springs, LA Covington, LA
Jerry Phifster	129 Hickory #9, Covington, LA 70433
Terri Bewig	75340 Highway 1077, Covington, LA 70433
L.C. Aycock	500 Guste Island Road Madisonville, LA 70447
Roy Guste	72619 Military Road, Covington, LA 70433
Hank Fedder St. Tammany Sports- man League	Madisonville, LA 70447
Floyd Glass	138 Audubon Boulevard
Charles Denechaud, III	New Orleans, LA

6. the public hearing process on permit applications;
7. the administrative structure established by the parish through the Department of Development; and
8. the penalties as prescribed by state law that would be assessed on violations.

Finally Dr. Emmer referred everyone to the proposed parish ordinance that would implement the LCP and gave an overview of the contents.

Mr. Barry Baggert, Police Jury Vice President, opened the Public Hearing to receive oral and written comments from those in attendance. Each person who completed a card upon entering the Public Hearing was asked to present his/her comments. Because of the small attendance the parish decided on a question and response format. The following is a distillation of what transpired. A transcript is available at the above address.

B. Baggert - The comments that I have heard indicate that there is nothing wrong with the plan, except that the Police Jury is implementing it.

Comments

- Carol St. Pierre - I would like to receive a description of a fastland.
- #1 R. Emmer - Fastlands are lands that are protected by a system of levees and pumps.
- David Levy - I would hope that nobody would allow fastlands to exist in the Parish. I assume you are referring to Eden Isles East. That is why New Orleans is the way it is. I used to be on the Coastal Commission. The guidelines said that there would be no more fastlands developed.
- G. Farrish - Eden Isles East and Port Louis are existing fastlands.
- A discussion ensued about the development of Eden Isles East.
- R. Emmer - On page 33 of the document is the definition of fastlands.
- #2 Carl Helwig - I don't want Eden Isles East developed. Will the CZM have anything to shell dredging? I didn't see any maps of historic cultural resources.
- B. Baggert - I don't think so, we will oppose shell

dredging in every way we can.

R. Emmer - State Historic Preservation doesn't release maps because it prevents treasure hunters from looting sites. At the time of the permit review, that office will comment.

#3 Hal Reinstra - How will it interface with the Lake Pontchartrain Foundation? You mentioned - water quality being an important part.

R. Emmer - If it is coming from the uplands, the Parish can request some action working through the DEQ and CMD.

H. Reinstra - Who will pay for the extra work?

A. Cartier - DNR will channel funds from the Federal Government to the program. It will be adequately funded.

H. Reinstra - If I see something being permitted and I think it shouldn't be, who should I call?

A. Cartier - The State in CMD.

H. Reinstra - The goals of the program as outlined are really good. I do have a concern with the Police Jury and the pressure that will be put on it.

D. Levy - I read about the hearing in the paper. The purpose was to emphasize the process. Are we trying to help development or what? It's almost impossible without an engineer or a lawyer to get a permit.

B. Baggert - I disagree with you.

G. Farrish - Uses of Local Concern such as bulkheads are part of the permitting process of the local program. The program will help in the process, but there are rules and guidelines to follow.

Thanks for coming and extend an invitation to attend the meeting tomorrow night in Covington.

Summary

Other than what is summarized above, there were no significant questions about the document or program. The focus of concern was

on the implementation of the program by the Police Jury and the potential application of pressure during the decision making process. The decision making process will follow the established parish procedure of public hearing and public vote. Notices will appear in the newspaper and all comments will be incorporated into the record.

Anyone concerned with the decisions can write or call the Coastal Management Division, Department of Natural Resources (504-342-7591) and make his/her opinions known. Final recourse rests with the courts should anyone feel it necessary.

Written comments with responses appear follow these summaries.

PUBLIC HEARING NO.2

ST. TAMMANY PARISH LOCAL COASTAL PROGRAM AND DOCUMENT

7:00 PM
March 21, 1990
St. Tammany Parish Police Jury Chambers
Covington, La.

On Wednesday, March 21, 1990 the second of two scheduled public hearings was held on the St. Tammany Parish Local Coastal Program and Document. The meeting was opened at 7:00 PM by Mr. Allan Cartier, Parish Manager. He introduced parish officials and the parish consultant responsible for the Local Coastal Program and document: Mr. Floyd Glass, Police Jury President; Mr. Gibb Farrish, Director of Department of Development; Mr. Gerald Begue, Planning Commission and Zoning Commission member; and Dr. Rod E. Emmer, Environmental Planner and parish consultant. A transcript of the Public Hearing is available for review and copying at the Department of Development, St. Tammany Parish Administrative Complex, 428 E. Boston St., Covington, La. 70433. This summary presents the comments which were recorded during the Public Hearing. Written comments and responses are presented in a separate section of the St. Tammany Parish Local Coastal Program Document.

The purpose of the public hearing was to present the proposed St. Tammany Parish Local Coastal Program (LCP) and to receive comments, both oral and written, on the program. Mr. Cartier gave an overview of the program and the concerns of parish government when it initiated the creation of a LCP. Following Mr. Cartier, Dr. Emmer summarized the purpose of the LCP, listed the advantages of participating in such a program, described the physical, biological and socioeconomic setting of the parish, defined the area of the parish to which the LCP applies, and outlined the components of the program. This description included:

1. a presentation of Goals, Objectives and Policies that would apply throughout the parish;
2. the more specific Goals, Objectives and Policies that were developed for each of the four Environmental Management Units defined for the parish;
3. a discussion of the LCP application procedures;
4. the types of projects that are subject to the LCP (that is, uses of local concern in contrast to uses of state concern);
5. the relation and coordination between the Coastal Management Division, Louisiana Department of Natural Resources and the parish;

6. the public hearing process on permit applications;
7. the administrative structure established by the parish through the Department of Development; and
8. the penalties as prescribed by state law that would be assessed on violations.

Finally Dr. Emmer referred everyone to the proposed parish ordinance that would implement the LCP and gave an overview of the contents.

Mr. Floyd Glass, Police Jury President, opened the Public Hearing to receive oral and written comments from those in attendance. Each person who completed a card upon entering the Public Hearing was asked to present his/her comments. Because of the small attendance the parish decided on a question and response format. The following is a distillation of what transpired. A transcript is available at the above address.

COMMENTS

Mark Hebert - Withdrew.

G. Farrish - You have 10 days to submit written comments.

Gene Joanen - I am a realtor, a landowner and an outdoorsman. I own land in the parish coastal zone. He quoted a statement from Dr. Rufus LeBlanc regarding development and living in the wetlands. With that in mind, I have no comment at this time.

Virginia Fortson - I am here representing Mandeville. I have been requested to let you know that the City of Mandeville is not ready to give a comment at this time. Will the Parish make a presentation to Mandeville officials?

G. Farrish - If possible, we're on a deadline.

James F. Palmer - There are four items in the book. Where does the run-off go? The ordinance is less restrictive than those in N. Carolina, S. Carolina and Florida. #3 What ordinance in the parish covers the Pleistocene terrace? Is one proposed? Who controls the total number of camps in the marshes?

Barbara Owens - I am interested in the low fines.

G. Farrish - That is limited in the Code of Ordinances.

- B. Owens - That should be corrected. Dredging and filling is that one of the...?
- R. Emmer - Those are covered by the State and local permits. The State allows 11 activities addressable by local programs (Pages 35-36) to work with.
- B. Owens - The agricultural run-off is that addressed at all?
- R. Emmer - Not that I am aware of. Provisions are there to work with the SCS and the ASCS to clean up discharges.
- B. Owens - What if my neighbor decides he wants a slip?
- R. Emmer - The CZP Administrator will meet with them. That will be part of his job - to help the applicant within the process.
- Barbara Dodds- The ordinance is what enacts the program?
- R. Emmer - Yes, with the goals and objectives of the policy.
- B. Dodds - Why are you saying in Article I #2 - if we have a fragile ecosystem, why are we permitting any development?
- R. Emmer - The State allows multiple uses in a coastal area.
- B. Dodds - Who decides the cumulative effect of camps?
- G. Farrish - Hopefully the document will bring this into effect.
- B. Dodds - Is there no way of this ordinance to say limit the density?
- #3 B. Under balance - how to project future economic impact of wetlands loss? (Page 6)
- R. Emmer - We're paraphrasing what the State does. We can check with the state to see what they are doing.
- G. Farrish - We will use a framework to determine the benefit these uses.
- B. Dodds - There is no requirement for a surety bond or letter of credit for permits performed improperly to be repaired.
- G. Farrish - We withhold comment at this time.
- B. Dodds - Article #6 - The description of the permits as advertised, people won't understand. It should be accompanied with a clear map.

#1B - The criteria of "25 registered voters". Why not just citizens. It excludes everyone who is not registered to vote.

In the EMU descriptions, there is confusion over Causeway. We have E, W and N Causeway.

- G. Farrish - We have an atlas available. Please sign up for a copy.
- B. Dodds - 2B Section 6 - "There shall be issued...". Why is the commanding in this section and in no other?
Industrial in wetlands should require an environmental impact statement.
- G. Farrish - Uses of local versus State concern. Major development would be a State concern.
- B. Dodds - 2 B&C - Nothing is specified about this being a written statement.
6-3-C - "Bulkheads 5 feet". I assume they mean length.
- G. Farrish - High.
- B. Dodds - 3D - Are we to assume that the administrator is going to be the inspector for the data submitted. Delineate his responsibilities.
Residential doesn't specify. Should it be all residential?
- G. Farrish - Inside the Coastal Zone.
- B. Dodds - There is no mechanism for mitigation. Set up a committee to provide for mitigation negotiation.
- G. Farrish - The next step will be to possibly set up some form of mitigation.
- B. Dodds - Appeals #3 - "Shall be a 2/3rds vote of the governing body". I would like to see the words "constituting number". It would be more significant - 9 votes.
There may be an aggrieved party other than the petitioner. Can they not appeal the decision?
- R. Emmer - Under Article 8 #1, anyone could appeal.
- B. Dodds - I to am disturbed by the penalties. In what context is the sheriff to be brought into this?

Terri Bewig - She presented a series of comments. These were submitted in writing. Responses appear in the following section.

Summary

The issue of implementation through the Police Jury was again raised during Public Hearing No. 2. The decision making process will follow the established parish procedures of public hearing and public votes. Notices will appear in the newspaper and all comments will be incorporated into the record.

Ms. V. Fortson requested a meeting with Parish officials to discuss the review of LCP permit applications within the incorporated limits of Mandeville. Mr. G. Farrish, Director of Planning, met with Ms. V. Fortson, Mandeville Planning Commission, and members of the Mandeville City Council on Tuesday, April 3, 1990 in Mandeville. After a discussion of the LCP and a question and answer period the parties agreed to incorporate comments from Mandeville into the decision making process on permit applications within the incorporated limits.

In response to the questions by Mr. J. F. Palmer the runoff from development on the Pleistocene terrace flows to the bayous and creeks and eventually into Lake Pontchartrain. Although the St. Tammany Parish LCP may appear less restrictive to the commentator the LCP program and ordinance comply with the State and Federal guidelines for a local program. No other comments were received regarding this situation. Several parish ordinance (for example, zoning, subdivision regulations, sewage treatment) address the issue of runoff indirectly. No specific parish ordinance focuses on nonpoint source runoff. At this time none is proposed. Camps are indirectly addressed through the density regulations of the zoning ordinance. The state coastal zone management act excludes camps from the permitting process. Sanitation is through the Louisiana Department of Health and Hospitals. The National Flood Insurance Act has requirements for construction in floodprone areas.

Ms. B. Dodds comments were submitted in writing. Responses to these comments appear in the following section on written submissions. On the issue of economic evaluation of permit applications the parish will be working in cooperation with the Coastal Management Division. Economic considerations take into consideration the value and functions of the wetlands. For example, critical habitat and areas important to threatened and endangered species are avoided. As part of the evaluation process the applicant must first avoid wetlands. If this is not possible the project must be reduced in scope to minimize the use of wetlands. Only after these two options will mitigation be considered. The state is now developing a mitigation bank system for each of the coastal parishes. St. Tammany will participate in this program.

The draft ordinance has been revised to include comments received

at the public hearings and from written comments.

US Department
of Transportation
**United States
Coast Guard**



Commanding Officer (po) 1440 Canal Street
U. S. Coast Guard New Orleans, LA 70112-2711
Marine Safety Office (504) 589-4256

16450
19 March 1990

Greg Ducote, Manager
Local Coastal Programs Section
Coastal Management Division
Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA. 70804



Dear Mr. Ducote,

I appreciate the opportunity to review the proposed Local Coastal Zone program for St. Tammany Parish. In my opinion, this is a well written document that clearly defines many of the issues and problems facing the coastal zones in their area of responsibility. I feel it would be beneficial for the parish to consider the following issues as well:

1. The plan includes objectives to properly restore exploration and production sites and to require owners of abandoned shoreline structures to properly dispose of them. A recurrent problem in my area of responsibility, which includes St. Tammany Parish, is the abandonment of vessels, particularly tank barges. It is our experience that these vessels are often used for the illegal disposal of waste oils and other hazardous materials. The Parish may wish to develop a policy regarding removal of abandoned vessels, whether or not they pose a pollution problem. Active participation of this office and the state and local governments is the most effective means of addressing this problem.

2. The Parish plan also discusses the permitting process for industrial uses of the coastal areas of St. Tammany Parish. For certain industrial uses of these areas, Coast Guard permits are required as well, particularly for facilities that transfer oil or hazardous materials to vessels. Early coordination between the Parish, the Coast Guard and other concerned agencies in the permitting of these types of operations would be beneficial to all.

I hope that you will find these observations and comments beneficial. If I or my office can be of any further assistance to you, or you have questions on any of the issues I have raised, feel free to contact my office.

Sincerely,

W. J. LEBESFRET
Captain, U. S. Coast Guard
Captain of the Port

1. Policy statement 24 has been added to Parishwide Goal 1. Policy 24 reads:
Derelict boats, barges, other watercraft, as well as pilings, docks, piers, and similar facilities should be removed from the parish waterways before they degrade the water quality, become a hazard to navigation, or pose a threat to the public health, safety, or welfare.
2. The parish procedure for submitting a permit application requires coordination with federal, state, and local authorities. The U.S. Coast Guard is now specifically referenced in the LCP document.



DEPARTMENT OF THE ARMY
 VICKSBURG DISTRICT, CORPS OF ENGINEERS
 P. O. BOX 80
 VICKSBURG, MISSISSIPPI 39181-0080

PERY TO
 ATTENTION OF

March 16, 1990

Planning Division
 Environmental Analysis

RECEIVED 26 1990

1. The modification has been made to the text.
2. The modification has been made to the text.

Mr. Gibb Farrish, Director
 St. Tammany Parish Police Jury
 P.O. Box 628
 Covington, Louisiana 70434

Dear Mr. Farrish:

I refer to your letter of February 13, 1990, regarding the St. Tammany Parish Local Coastal Zone Program Document and notification of public hearings.

We have reviewed the above-mentioned documents and offer the following comments. Generally, the local coastal zone program document appears to be technically complete. However, it is recommended that the report be modified to reflect the following changes.

- a. Page 46, "Joint State and Corps of Engineers Permitting Process." This should reflect that a joint permit process between CMD/DMR and the Vicksburg District is currently being formulated for activities occurring in the coastal zone within the Vicksburg District's regulatory jurisdictional area.
- b. Page 89, subparagraph 4. Additionally, it is recommended that the report reflect the notification of the Regulatory Branch of both the New Orleans and Vicksburg Districts.

We appreciate the opportunity to review this document and representatives from the Vicksburg District will attend the public hearing scheduled for Stidell on March 20, 1990.

I trust this information meets your needs. If we can be of further assistance, please let us know.

Sincerely,

W. B. Hedberg
 W. B. Hedberg, J.E.
 Chief, Planning Division

1.
 2.



**UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE**

Southeast Regional Office
9450 Koger Boulevard
St. Petersburg, FL 33702

February 27, 1990 F/SER114/RR:JK
504/389-0508

RECEIVED MAR 01 1990

Mr. Gibb Farrieh
Director of Planning
St. Tammany Parish
P.O. Box 628
Covington, LA 70434

Dear Mr. Farrieh:

The National Marine Fisheries Service (NMFS) has reviewed the draft St. Tammany Parish Local Coastal Program document and coastal zone management ordinance transmitted by your letter of February 19, 1990. We believe that the proposed ordinance, as supported by the program document, would enable St. Tammany Parish to manage development activities of local interest while protecting coastal wetlands and their dependent fishery resources.

In general, the NMFS supports the management goals, objectives and policies identified in the program document. However, to strengthen and clarify some specific policies, we offer the following suggested revisions:

V. THE LOCAL COASTAL PROGRAM

Goal 1. Objective 1

Policy 1. This policy statement is unclear.

Policy 4. Dead end canals associated with residential development activities have been shown to create conditions conducive to water quality degradation. To minimize adverse impacts associated with poor circulation and pollutant loading, we recommend that the term "most practical" be replaced with the words "best available". Best available techniques would include maximizing canal widths, minimizing canal depths, preventing surface runoff into canals, avoiding dead end designs, and other measures as appropriate (see Lindall and Trent 1975, and USEPA 1983).

Policy 9 and 10. These policies appear to conflict with Policy 7 which discourages siting waste facilities

1. The policy statement has been revised to clarify the concept.
2. The policy is revised.
3. The policy statements have been revised.

1
2
3



In wetlands. The reference to facilities being located in wetlands should be deleted from policy statements 9 and 10.

Policy 19. In keeping with current state and federal regulation, this item should indicate that the use of dispersants, etc. should be prohibited without proper authorization. Louisiana Department of Environmental Quality should be included as an approving agency. 4.

Goal 2. Objective 2. 5.

Policy 4. The word "When" should be deleted.
Policy 7. It has been demonstrated, rather conclusively, that weirs do not prevent salt water intrusion. Many studies have shown salinity levels behind weirs to be similar to, and in some cases higher than, waters seaward of weirs (e.g., Meeder 1987 and Turner et al. 1988). Furthermore, many issues surrounding the use and impacts of water control structures in coastal Louisiana are being investigated, but remain unresolved. Accordingly, the first sentence should be revised to allow the use of water control structures only after it has been demonstrated for each proposed structure site that wetland loss would be prevented by installing and operating a structure. In the second sentence substitute the word maintaining for "allowing for." 6.

Goal 2. Objective 3. 7.

Policy 4. This statement should indicate that wetland revegetation would be with native plant materials that are adapted to the elevation and salinity extremes of the restoration site.

Goal 8. Objective 2. 8.

Policy 2.c and 2.h. These policy statements should be combined.
Policy 4. We recommend that this statement be revised to read: After completion of drilling activities, well sites and ring levees should be reduced to the minimum size necessary for production purposes and the site should be restored to pre-project conditions when production is completed or a dry hole is drilled. 9.

- 4. The policy statement has been revised.
- 5. The policy statement has been revised.
- 6. The policy statement has been revised.
- 7. The policy statement has been revised.
- 8. The policy statements have been combined.
- 9. The policy statement has been revised.

Policy 9.a. This policy is in conflict with policies 6, 8, d and 10. We recommend that it be deleted.

Policy 13.a. See previous comment.

- 10. Revised as recommended.
- 11. Policy statement has been revised.
- 12. Revised as recommended.
- 13. Revised as recommended.

VI. ENVIRONMENTAL MANAGEMENT UNITS

Marsh-swamp EMU

Policy 10 and 16. We recommend that use of the term "wetlands management plans" be avoided. As it is commonly used, it refers to hydrologic alterations using levees and/or water control structures to influence the floral and faunal composition of a particular site. To broaden the concept proposed by this policy we suggest using the phrase Wetland Protection or Wetland Conservation plan. Such a plan might involve diverse measures, such as sediment trapping, control of vehicular access, water quality enhancement, enhanced access by marine organisms, vegetative plantings, and in some cases, hydrologic modifications.

Marsh-lowland EMU

Policy 10 and 16. See previous comment.

Thank you for your consideration of these comments. If we can be of further assistance, please contact Mr. Rickey Ruebsamen of our Baton Rouge Area Office at 504/389-0508.

Sincerely yours,

Rickey Ruebsamen
Rickey Ruebsamen
Assistant Regional Director
Habitat Conservation Division

Enclosure

LITERATURE CITED

- Lindall, W.N., and L. Trent. 1975. Housing development canals in the coastal zone of the Gulf of Mexico: Ecological consequences, regulations, and recommendations. *Mar. Fish. Rev.* 37(10):19-24.
- Meeder, J.F. 1987. Variable effects of hurricanes on the coast and adjacent marshes: A problem for marsh managers. pp. 337-374. In Brodtmann, N.V. Jr. (ed). *Fourth Water Quality and Wetlands Management Conference Proceedings*. New Orleans, LA. Sept. 24-25, 1987.
- Turner, R.E., J.M. Day, Jr., and J.G. Gosselink. 1986. Weirs and their effects in coastal Louisiana wetlands (exclusive of fisheries). Unpublished proceedings of the Marsh Management in Coastal Louisiana: Effects and Issues Conference, Baton Rouge, LA.
- USEPA. 1975. Finger-fill canal studies--Florida and North Carolina. U.S. Environmental Protection Agency, Surveillance and Analysis Division. Athens, GA. 427 pp.

City of Mandeville

"THE HEART OF THE OZONE BELT"



COINCIDENTAL AS LAYERS
JACK B. MACQUIRE
EMILE J. MARABRE
EDWARD J. PRICE, III
FRANK C. SHOWS
JAMES J. GLEASON, III

L. S. R. SPITZGARDEN

LINDA BARNETT
MEMORIAL COLLECTION

April 5, 1990

Mr. Greg Ducote
Local Coastal Programs Section
Coastal Management Division
Dept. of Natural Resources
Post Office Box 46487
Baton Rouge, Louisiana 70804-4487

RECEIVED
APR 12 1990
COASTAL MANAGEMENT DIVISION

Dear Mr. Ducote:

At a public hearing held on Tuesday, April 3, 1990, by the Mandeville Planning and Zoning Commission, it was agreed that the City could not support the program as currently proposed, however, it was the consensus of the board members to conditionally support the proposed Parish Coastal Zone Program for St. Tammany Parish if the written documents establishing the program with the state as well as the parish ordinance adopting the program are amended as follows:

1. To require that in all areas of local jurisdiction located within the incorporated boundaries of the City of Mandeville any more restrictive requirements imposed by the City's regulations will prevail;
2. To require that no permit of local jurisdiction will be issued by the Parish for work within the incorporated area of the City of Mandeville until the City's designated administrator has signed for the approval of the issuance of such permit;
3. To provide a specific procedure with an adequate time period to allow for and encourage a public hearing to be held if a questionable incident or application occurs.

The Board also urges the establishment of higher fines for violations of requirements of the proposed state and local codes.

Sincerely,
Ginger Fortson
Ginger Fortson
Director of Planning

1. The St. Tammany Parish government will send copies of the local coastal permit application to Mandeville when one is within the incorporated limits of Mandeville. The Parish will coordinate with the City before a LCP permit is issued. This type of coordination is an established practice on efforts between the City and Parish at this time.
2. The St. Tammany Parish government will send copies of the local coastal permit application to Mandeville when one is within the incorporated limits of Mandeville. The Parish will coordinate with the City before a LCP permit is issued. This type of coordination is an established practice on efforts between the City and Parish at this time.
3. Procedures for a public hearing are provided in the LCP document. Coordination has been undertaken with the City of Mandeville to assure that public hearings will be conducted.

Thursday, March 22, 1990

Dear Rod,

Last night, at the meeting in Covington, I forgot to ask you to repeat your reasons for the local coastal program. There were four, as I recall, but I'm vague about them. Would you please send them to me?

I know you've avoided that on the draft, but it seems to me it offers too much opportunity for "backpatting" among the "good old boys" of St. Tammany. In the past, the developers have had their way 97% of the time, and, in the 25 years I've lived here, I've seen a sad deterioration of the coastline. I'd expect a change in those resources and changes in development, but the state can see the major features. I've mentioned subsections at the state level many times but at the local level,

7449 Sevensoaks Ave
Baton Rouge, La. 70806
March 28, 1990

Ms. Barbara R. Owens
113 Riverdale Dr.
Covington, La. 70433

Dear Ms. Owens:

In response to your letter of March 22, 1990 the reasons for the local coastal program are discussed in the last paragraph on the bottom of page one and continuing onto page two. Six reasons are identified for initiating a local coastal program.

Should you have any other questions, please do not hesitate to write either myself, Greg DuCote, CMD/DNR, or Gibb Farris, St. Tammany Parish Planner.

Sincerely yours,

Rod E. Emmer, Ph.D.

cc: Gibb Farris
Greg DuCote

HONEY ISLAND GROUP
SIERRA CLUB

RECEIVED APR 02 1990

St. Tammany - Washington Parishes
Louisiana

April 1, 1990
113 Riverdale
Covington, La.

Dear Mr. DuCote,

We've been monitoring the sad deterioration of the wetlands in St. Tammany Parish for the past 25 years and would certainly like to see a program which would show respect for this valuable resource. If the adoption of the proposed coastal draft would halt or at least slow down development in the wetlands, we would be in favor of it. However, we feel that St. Tammany is not in a position to say "no" to developers, or to monitor permits, or to enforce violators. Developers are too influential here, and a desire to save the wetlands is not a primary concern.

Local management of our coastal zone would put the Department of Development in an extremely difficult position. Local pressures are stronger for development than for preservation.

We feel the State is in a better position to see the overall picture of wetland loss, and can better make unbiased decisions involving this sensitive, valuable area.

If, however, this plan is adopted, we have three concerns which we feel should be addressed;

- #1. Industrial or commercial developers should be required to submit an environmental impact statement.
- #2. A letter of credit assuring up-front money to satisfy completion should be demanded.
- #3. An increase in penalties; a violation knowingly committed should be at least \$25,000 for the most minor offense.

Thank you for considering our concerns.

Sincerely,

Barbara Owens

Barbara Owens

Copies:

Gibb Farris
Rod Emmer

1. Any projects involving industrial and commercial developers will probably be beyond the scope of the LCP. CMD and the Corps or EPA require greater documentation of impacts in the form of an Environmental Assessment or an Environmental Impact Statement.
2. St. Tammany Parish will require a letter of credit for all Uses of Local Concern that have a project cost of more than \$10,000.
3. The penalties are set at the maximum limits allowed under present law.



LEAGUE OF WOMEN VOTERS
of St. Tammany

RECEIVED MAR 26 1990

1. An extension of ten days was granted so everyone would have ample opportunity to submit comments.

March 19, 1990

Mr. Greg DuCote, Manager
Local Coastal Programs Section
Coastal Management Division
Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA 70804

Gentlemen:

The League of Women Voters of St. Tammany urgently requests that the written comment period for the hearings on the St. Tammany Coastal Zone Management Plan be extended from 10 days to 20 days.

It will be difficult for the public to assimilate reports from both meetings and formulate comment in a cohesive manner if a period of time less than 20 days is given.

We believe that the public should be able to participate fully in the process of formulating a plan for the management of our coastal zone. Extending the written comment period would enable more people to become responsibly involved citizens.

Very truly yours,

Barbara Dodds

Barbara Dodds,
Chairman, Natural Resources Committee
143 Tchefuncte Drive
Covington, LA 70433

cc Mr. Gibb Farrish, Director of Planning, Department of
Development, St. Tammany Parish



THE LEAGUE OF WOMEN VOTERS
OF ST. TAMMANY

RECEIVED 10 10 90

March 30, 1990

Mr. Greg DuCote, Manager, Local Coastal Programs Section
Coastal Management Division, Department of Natural Resources
P.O. Box 44487
Baton Rouge, LA 70804

Gentlemen:

The League of Women Voters of St. Tammany cannot support the proposed St. Tammany Local Coastal Zone Management Ordinance as it is currently written.

The League has long supported wetland protection as well as control of the cumulative effects of all development surrounding and adjacent to wetland areas. We also believe that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government.

The proposed Ordinance, which would be the governing authority of the St. Tammany Coastal Zone Program lacks many of the above elements. In its accompanying Policy Statement, many goals are stated which are not reflected anywhere in the Ordinance. Several important decision processes are left to an "assumed" person and there is no assignment of responsibility.

While certain wetlands permit procedures might be accelerated, the Ordinance does not restrict activities beyond the minimum requirements already in place through State law, and would therefore appear to be redundant.

We would further point out that in April, 1987, the St. Tammany Parish Police Jury voted almost unanimously to withdraw from the Louisiana Coastal Zone Management Program. This indicated a total unwillingness to cooperate with any overall long-range planning for the entire Pontchartrain Basin area which might subordinate the local governing body's authority for wetlands oversight. Resolution P.J.S. #87-2854 has not been rescinded.

The enclosed list of questions and observations as well as copies of statements made by the League of Women Voters of St. Tammany will delineate the above observations. We would appreciate notification of any further action regarding this Coastal Management Proposal.

Yours truly,

Virginia Kamath
Virginia Kamath, President

Barbara Dodds
Barbara Dodds, Chairman, Natural Resources Committee

LEAGUE OF WOMEN VOTERS OF ST. TAMMANY - BARBARA DODDS, NATURAL RESOURCES CHAIR
MARCH 21, 1990 - QUESTIONS RE: ST. TAMMANY PARISH - COASTAL ZONE MANAGEMENT ORDINANCE

ART.1

2) IF WE HAVE A "FRAGILE" ECOSYSTEM, WHY ARE WE PROMOTING ANY DEVELOPMENT IN THE COASTAL ZONE? WHY CAN'T WE BE MORE RESTRICTIVE THAN CURRENT STATE REGULATIONS?

ART.3

1) a,b - THE MEASURE ADDS ANOTHER LAYER OF BUREAUCRACY AND CREATES A VERY SENSITIVE POST. EVERY DEVELOPMENT APPLICATION WOULD HAVE TO RECEIVE THE APPROVAL OF THE LOCAL COASTAL PLAN ADMINISTRATOR TO ASSURE THAT IT WOULD HAVE NO EFFECT ON COASTAL ZONE WATERS. THIS WOULD REQUIRE MORE THAN ONE PERSON WITH GREAT EXPERTISE.
f - WHO DECIDES ON CUMULATIVE EFFECTS OF CAMPS AND RESIDENCE CONSTRUCTION?
l - AGAIN, WHO DECIDES? THE LOCAL COASTAL PROGRAM ADMINISTRATOR WOULD HAVE TO REVIEW ALL DEVELOPMENT.

ART.5

2) a - IT IS A WELL KNOWN FACT THAT URBAN RUN-OFF AFFECTS WATER BODIES DISTANCED FROM THE SITE. STANDARDS FOR PREVENTION NOT IN ZONING ORD. 323.
d,e,f,g LAKE PONTCHARTRAIN COULD BE ADVERSELY AFFECTED IN ALL OF THESE CATEGORIES, AS COULD SCENIC STREAMS AND RIVERS.

ART.6

3) a) CRITERIA FOR DETERMINATION OF USES OF LOCAL CONCERN OR USES OF STATE CONCERN
a) - b) BALANCE - HOW DO YOU DETERMINE WHAT THE FUTURE "ECONOMIC" IMPACT OF WETLAND LOSS WILL BE WHEN CONSIDERING "BALANCE"? WHAT "SOCIAL"? REDEEMING CRITERIA WOULD JUSTIFY DESTRUCTION OR IMPAIRMENT OF WETLANDS/MARSH?
d) NO SURETY BOND OR LOC REQUIRED TO ASSURE THAT ANY DAMAGE CAUSED BY A PROJECT NOT COMPLETED WILL BE REPAIRED.

ART.6

1. a) DESCRIPTIONS SHOULD BE BY FAMILIAR BOUNDARY NAMES, STREET LOCATION AND CLEAR MAP OF SURROUNDING AREA.
b) WHY MUST THE CRITERIA BE A "REGISTERED VOTER" - EVERY CITIZEN/RESIDENT SHOULD HAVE A RIGHT TO REQUEST A HEARING.
2) a) EMU'S - WHICH CAUSEWAY BLVD? NORTH, EAST, WEST?
b) DECISION ON DISPOSITION SHOULD BE REQUIRED TO BE PUBLISHED WITH EXPLANATION FOR DECISION AND ANY OTHER CONDITIONS IMPOSED.
2) c)

ART.7

1-a) INDUSTRIAL AND COMMERCIAL USES IN CIM SHOULD BE REQUIRED TO PREPARE AN EIS, NOT JUST AN ASSESSMENT FORM.
2) c)
2-b)-c) DOES NOT INDICATE MUST BE IN WRITTEN FORM.
3-c) BULKHEADSSFT. HIGH? LONG?..WHAT DIMENSION?
3-d) WHO WILL INSURE INSPECTION ACCURACY OF DATA PRESENTED?
3-d) RESIDENTIAL DOES THIS REALLY MEAN ALL? CAN ONE LOCAL COASTAL PLAN ADMINISTRATOR HANDLE ALL OF THIS?

ART.8

PG. 13 AGAIN, THE 25 REGISTERED VOTERS WITHIN THE EMU. NO QUARREL WITH REQUIREMENT FOR RESIDENTS, ETC.
- MITIGATION? ...The parish reserves the right to enter into mutual cooperative agreements and litigation agreements.....
HOW WILL \$\$\$ BE NEGOTIATED AND BY WHOM? IS THE PLANNING COMMISSION THE OVERSIGHT FOR THIS? SHOULDN'T THERE BE SOME PUBLIC HEARING PROCEDURE TO DETERMINE IF CONSIDERATION IS PROPER?

ART.8

1. SHOULD BE 2/3 VOIE OF CONSTITUTED.

ART.9

4. PENALTIES ARE A SLAP ON THE WRIST. IT IS CHEAPER TO PAY FINE THAN OBEY LAW. ORDINANCE NOT ENFORCEABLE IN A MEANINGFUL WAY WITHOUT SOME TEETH.
HOW WILL THE PARISH FUND THIS NEW FUNCTION? WHO WILL DO ALL THE INSPECTION AND RESEARCH? THE PARISH CANNOT HOUSE ITS CURRENT OFFICES BECAUSE OF SHORTAGES IN THE GENERAL FUND. EDUCATIONAL REQUIREMENTS NOT MENTIONED IN STUDY.

(LRS 49:213.5(C) and 213.11(C)). The LCP provides comments which are advisory only.

7. The Parish can only provide advisory comments on Uses of State Concern. Any type of bonds must be handled through the state program.
8. The LCP will require that the location be stated in Township, Range, Section, and distance to nearest major thoroughfare.
9. Anyone can request a public hearing through a legislator, other local authority, or the Police Jury. Limiting petitions to registered voters follows precedent for handling petitions on other issues in the Parish.
10. North Causeway Blvd.
11. Decisions on Uses of Local Concern are a matter of public record. Copies of the decisions and conditions can be obtained from the LCP Administrator.
12. Industrial and commercial projects are usually too large to be considered a Use of Local Concern, and therefore will be handled by the state and federal permitting authorities. The material as presented is advisory only.
13. Revised as suggested.
14. Five feet in length. Revised.
15. Inspections will be conducted by the LCP Administrator. The LCP is overseen by the CMD which requires an annual report on LCP activities. Should anyone determine that the LCP is not functioning properly, they should report the problems to CMD.

1. The Louisiana Coastal Zone extends as far north as Interstate Highway 12 (Act 361). Most of the coastal zone in St. Tammany Parish is Pleistocene terrace, that is, the uplands that are above 5 ft MSL. To prohibit any development in the state defined coastal zone is not possible or realistic. The St. Tammany Parish LCP encourages multiuse of the coastal zone as prescribed by state law. More restrictive policies apply to the wetlands where only water dependent uses are considered appropriate.

CMD has placed restrictions on what the LCP can do. The last two paragraphs in the subsection, St. Tammany Parish Goals, Objectives and Policies, were inserted at the request of the CMD. To become more restrictive requires modification of the existing state and federal laws or approaching development through other methods, such as zoning or subdivision regulations.

2. Every application that is a Use of Local Concern must receive the approval of the LCP Administrator, the Planning Commission, and the Police Jury. The LCP is only advisory to CMD and the federal government on Uses of State Concern or federal permits. The LCP Administrator should be able to handle the volume of projects that are Uses of Local Concern.
3. Camps and residence construction are exempted from needing a coastal use permit. The LCP works with the camp owner on locating the structure, not if the structure is built. At this time, no one is deciding on cumulative effects of camps and residence construction.
4. The Coastal Management Division decides whether projects have a direct and significant impact on coastal waters.
5. The LCP Administrator working in cooperation with CMD staff and federal agencies will apply federal, state, and local regulations and standards to assure that projects conform to set limits.
6. Decision on Uses of State Concern are made by the Coastal Management Division, Louisiana Department of Natural Resources in Baton Rouge

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LEAGUE OF WOMEN VOTERS OF ST. TAMMANY
P.O. BOX 8, COVINGTON, LA 70434

March 30, 1970
List of enclosures:

March 31, 1986
Cover letter and Resolution P.J.S. 86-2144 re:
Lake Pontchartrain Task Force activities (note Lines 37-47)

April 26, 1986
League of Women Voters of St. Tammany Resolution R-1986
re: Lake Pontchartrain

April 16, 1987
Statement to Police Jury in opposition to P.J.S. 867-2854
St. Tammany withdrawal from the Coastal Zone Management Program

May 8, 1987
Statement to Radio station WARB re: St. Tammany withdrawal
from the Coastal Zone Management Program

July 21, 1987
League of Women Voters of St. Tammany Letter re: Lake Pontchartrain
Task Force Representative Conflict of Interest

August 20, 1987
Statement to Police Jury re: Amendment to Zoning Code 523; Sec. 2.16
Reclassifying Heavy Shipbuilding to lighter industrial category

November 15, 1987
Letter to DNR re: Dredging project in wetlands

January 6, 1989
League of Women Voters of St. Tammany follow-up letter re:
Conflict of Interest

16. The reference means all residential developments. The LCP Administrator will work in cooperation with the Planning staff, CMD, and the federal agencies when evaluating a project. Such a team approach should be sufficient to analyze projects.
17. Limiting petitions to registered voters follows precedent for handling petitions on other issues in the Parish.
18. The LCP Administrator in coordination with the Planning Commission and the Police Jury will negotiate for the parish. Opportunities exist for requesting a public hearing (Article 6.1) and seeing the decision (Article 6.2). The Secretary of the Department of Natural Resources has the authority to reconsider all decisions made at the local level. In addition, the LCP is regularly reviewed for compliance by CMD.
19. The reference is changed to read 10 affirmative votes.
20. The penalties are at the maximum limits set by law. It is possible that the project area may be restored to its original condition.
21. The parish will fund the program through annual grants from the federal government.

Inspections and research will be done by the LCP Administrator and the Planning staff.

Qualifications for the LCP Administrator have been established.

The ordinance appears in the standard format for parish ordinances. A table of contents will be added to assist in finding appropriate sections.



ELIZABETH TEAGUE
PRESIDENT

FLOYD D. GLASS, DIST. 1
HERMAN A. SHARP, DIST. 2
WILL GRIPPIN, DIST. 3
GAIL RICHARDSON, DIST. 4
GARY SINGLETARY, DIST. 5
C. J. DUNAWAY, DIST. 7

ST. TAMMANY PARISH POLICE JURY
P. O. BOX 628
COVINGTON, LOUISIANA 70434
(804)892-2911

HERMAN A. SHARP
VICE-PRESIDENT

JERRY SCHWENN, DIST. 8
MARRY BAGERT, DIST. 9
ELIZABETH TEAGUE, DIST. 11
EARL D. BROOM, DIST. 12
STAN OWEN, DIST. 13
ANTHONY ALFRED, DIST. 14



HERMAN A. SHARP
PRESIDENT

FLOYD D. GLASS, DIST. 1
HERMAN A. SHARP, DIST. 2
JAMES A. "RED" THOMPSON, DIST. 3
WILL GRIPPIN, DIST. 4
GAIL RICHARDSON, DIST. 5
GARY SINGLETARY, DIST. 6
C. J. DUNAWAY, DIST. 7

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MARRY BAGERT, DIST. 9
ELIZABETH TEAGUE, DIST. 11
EARL D. BROOM, DIST. 12
STAN OWEN, DIST. 13
ANTHONY ALFRED, DIST. 14

March 31, 1986

Dr. Charles G. Groat
Department of Natural Resources
Coastal Management Division
P.O. Box 44487
Baton Rouge, LA 70804-4487

Subject: Lake Pontchartrain Task Force
St. Tammany Parish

Dear Dr. Groat:

At the March meeting of the Lake Pontchartrain Task Force, St. Tammany Parish began its discussion of our permitted activities matrices. At this meeting there were major disagreements between the Parish and the Task Force regarding prohibition of activities and activities permitted with special conditions attached to standard conditions in the CH2 zones. The Police Jury at their March 20, 1986 meeting adopted the attached resolution. Also, to receive input from our governing authority, the Police Jury created a sub-committee, consisting of Jurors whose districts encompass the coastal zone to evaluate the designation of management units and the development of permitted activities matrix.

If you have any questions or comments, please do not hesitate to contact me at 892-7854.

Sincerely,

Barbara S. Jenkins
Barbara S. Jenkins
Clibb Parrish
Planner

GF:ims

XC: Richard Kelley

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C E R T I F I C A T E

I, BARBARA S. JENKINS, CLERK-SECRETARY of the St. Tammany Parish Police Jury do hereby certify that the foregoing Resolution

is a true and exact copy of Resolution Police Jury Series No. 86-2144

that was adopted by the St. Tammany Parish Police Jury on the 20th

day of March, 1986, at its Regular Police Jury

Meeting at which a quorum of the Members were present.

Covington, Louisiana this 31st day of March

1986

Barbara S. Jenkins
BARBARA S. JENKINS, CLERK
ST. TAMMANY PARISH POLICE JURY

INTRODUCED BY MR. GLASS

seconded by MR. GRIFFIN

1 WHEREAS, the Governor of the State of Louisiana has appointed the Lake Pontchartrain
2 Task Force to evaluate the designation of the Lake Pontchartrain Basin as a Special Area
3 in reference to Act 361, Coastal Resources Management Act of 1978;

4 WHEREAS, the St. Tammany Parish Police Jury has appointed Richard P. Kelley to
5 represent the Parish on the Lake Pontchartrain Task Force;

6 WHEREAS, the Task Force over the last eighteen months has developed management
7 units, use categories and permitted activities matrices to address the coordination of
8 man's activities in the coastal area and the protection of the wetland areas;

9 WHEREAS, in the development of management units for the Parish, the Parish has
10 recommended that publicly owned property be designated as Conservancy Managed 1 (CM1),
11 which will be strictest management unit for allowing or prohibiting any type of use;

12 WHEREAS, the Parish has designated the majority of the wetlands, which has not
13 experienced residential, commercial or industrial development as Conservancy Managed 2
14 (CM2), which may allow activities under a permit with special conditions;

15 WHEREAS, the permitted activities matrix designates whether an activity or use is:
16 permitted with standard conditions in Coastal Use Guidelines; permitted with special
17 conditions attached to the States standard conditions; or structure or activity is
18 prohibited;

19 WHEREAS, the Lake Pontchartrain Task Force is requesting that the Parish support
20 the prohibition of residential/commercial development and associated activities in
21 the CM2 Areas;

22 WHEREAS, it is the opinion of the St. Tammany Parish representative that CM2 allows
23 planned development under conditions of specific site review utilizing sound planning
24 techniques which still allow development in an orderly and controlled manner and;

25 WHEREAS, an Impass seems to now exist in that the Task Force disagrees with the

26 WHEREAS, in an effort to resolve this issue, the St. Tammany Parish Police
27 Jury feels that an opinion should be requested from the Attorney General's Office
28 regarding the legality of prohibiting all developmental activities on private
29 property without compensation (vested rights issue) versus allowing developmental
30 activities under a permit process with special conditions under Act 361;

31 NOW THEREFORE BE IT RESOLVED, that the St. Tammany Parish Police Jury request:

32 1) An Attorney General's opinion regarding the legality of prohibiting all
33 development activities on private property without compensation in the
34 CM2 zone;

35 2) That the Lake Pontchartrain Task Force allow developmental activities
36 under a permit process with special conditions in the CM2 areas of the
37 Parish;

38 3) That the Parish's representative table further discussion of the Parish's
39 permitted activities matrix at the Task Force meetings until an
40 Attorney General's opinion is rendered.

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RESOLUTION POLICE JURY
SERIES NUMBER 86-2144

PAGE 3 OF 3

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS: MOVED FOR ADOPTION BY MR. GLASS; SECONDED BY MR. GRIFFIN.

YEAS: 12

NAYS: NONE

ABSTAINING: NONE

ABSENT: 2 (BAGERT AND TRAGUE)

AND, THIS RESOLUTION WAS DECLARED ADOPTED ON THIS THE 20TH DAY OF MARCH, 1986, AT A REGULAR MEETING OF THE POLICE JURY, A QUORUM OF THE MEMBERS BEING PRESENT.


ELIZABETH M. TRAGUE, PRESIDENT
ST. TAMMANY PARISH POLICE JURY

ATTEST:


BARBARA S. JENKINS, CLERK
ST. TAMMANY PARISH POLICE JURY

LEAGUE OF WOMEN VOTERS OF ST. TAMMANY PARISH

RESOLUTION R-1986

WHEREAS, all the species and life processes in an area considered as a whole must be healthy in order for human beings to be healthy, and

WHEREAS, the healthiest and ultimately the best course of action for people to take is one which is in harmony with nature, and

WHEREAS, the Lake Pontchartrain Basin has been severely affected by human disregard, mainly through sewage, run-off, and industrial pollution, as well as destruction and spoilation of wetlands and sea-life nursery beds, and

WHEREAS, although seriously damaged and threatened with even more destruction, the Lake Pontchartrain system can restore itself and become healthy once again,

BE IT RESOLVED that we urge the Louisiana Legislature to enact and enforce laws which prevent the destruction of habitat, the pollution of the Lake with human wastes and untreated run-off, and the curtailment of industrial and mechanical pollution, all of which damage the Lake and its inhabitants.

Slidell, Louisiana

April 26, 1986

Mary Anne Barton, President

Gwen Guderian, Secretary



LEAGUE OF WOMEN VOTERS
of St. Tammany

STATEMENT TO POLICE JURY IN OPPOSITION TO P. J. S. #87-2854
APRIL 16, 1987

THE LEAGUE OF WOMEN VOTERS OF ST. TAMMANY OPPOSES PASSAGE OF POLICE JURY RESOLUTION P. J. S. #87-2854 EXPRESSING ST. TAMMANY'S DESIRE TO WITHDRAW FROM THE LOUISIANA COASTAL ZONE MANAGEMENT PROGRAM.

LEAGUE POSITIONS AT NATIONAL, STATE, AND LOCAL LEVELS SUPPORT PROTECTION AND PRESERVATION OF COASTAL WETLANDS, UNIQUE ECOLOGICAL SYSTEMS, AND NATURAL RESOURCES.

LAKE PONTCHARTRAIN IS A REGIONAL RESOURCE AND NEEDS TO HAVE A COORDINATED PLAN TO MANAGE DEVELOPMENT IN SURROUNDING AREAS IN ORDER TO PROTECT ITS PRODUCTIVITY. IT IS VITAL THAT ST. TAMMANY CONTINUES TO PARTICIPATE IN THIS PROGRAM WHICH OVERSEES HOW WETLANDS ARE DEVELOPED. THE CITIZENS OF ST. TAMMANY PARISH HAVE REPEATEDLY EXPRESSED OVERWHELMING SUPPORT FOR STRONG ENVIRONMENTAL RULES AS WELL AS STRICT ENFORCEMENT OF THOSE RULES. THE PARISH CANNOT PRESENTLY AFFORD TO EMPLOY THE EXPERTISE TO MAKE IMPARTIAL JUDGEMENTS ON THE IMPACT A PROPOSED PROJECT MAY HAVE ON COASTAL EROSION, DESTRUCTION OF PRODUCTIVE MARSH AREAS, AND THE OVERALL HEALTH OF LAKE PONTCHARTRAIN; NOR CAN IT AFFORD PROPER ENFORCEMENT OF EVEN ITS OWN RULES AND REGULATIONS.

IT IS IMPORTANT TO CONSIDER THE WETLANDS AS A FACTORY WHICH PRODUCES MILLIONS OF DOLLARS WORTH OF PRODUCTS ANNUALLY. IT IS A RENEWABLE RESOURCE WHICH WE CAN HARVEST CONSTANTLY. IT MUST BE CONSERVED AND PROTECTED. WE SHOULD NOT SACRIFICE LONG TERM REGIONAL ECONOMIC BENEFITS FOR SHORT TERM FINANCIAL PROFITS THAT WILL BENEFIT VERY FEW.

IT IS OUR UNDERSTANDING THAT A POLICE JURY COMMITTEE COMPOSED OF THOSE JURORS WHOSE DISTRICTS BORDER ON THE LAKE WAS APPOINTED SOME MONTHS AGO TO REVIEW THE WORK OF THE LAKE PONTCHARTRAIN TASK FORCE. IT IS OUR FURTHER UNDERSTANDING THAT THIS COMMITTEE HAS NEVER MET. WE WOULD NOW ASK THE POLICE JURY: HAVE YOU OR YOUR COMMITTEE REVIEWED THE TASK FORCE'S PLANS? HAVE YOU OR YOUR COMMITTEE REVIEWED ST. TAMMANY'S OWN PROPOSAL FOR SHORELINE MANAGEMENT? IF NOT, HOW CAN YOU ACT TODAY ON AN ITEM OF SUCH LONG RANGE IMPORTANCE? ESPECIALLY GIVEN THAT THE ST. TAMMANY PARISH REPRESENTATIVE TO THE TASK FORCE HAS A DIRECT FINANCIAL INTEREST IN THE DEVELOPMENT OF LAKEFRONT PROPERTIES, IT IS EVEN MORE IMPORTANT THAT THE MOVE INTENDED BY THIS RESOLUTION BE SUBJECT TO VERY CAREFUL AND WIDE-RANGING SCRUTINY.

WE HOPE YOU WILL GIVE ALL OF THESE ISSUES THOROUGH CONSIDERATION BEFORE YOU ACT ON THIS MATTER. PRESERVATION OF THE INTEGRITY OF THE LAKE IS TOO IMPORTANT TO ALL OF US TO SACRIFICE ITS WELL-BEING TO PAROCHIAL AND PRIVATE INTERESTS.



LEAGUE OF WOMEN VOTERS
of St. Tammany
STATEMENT TO WARB

MAY 8, 1987

THE LEAGUE OF WOMEN VOTERS OF ST. TAMMANY OPPOSED PASSAGE OF THE POLICE JURY RESOLUTION EXPRESSING ST. TAMMANY'S DESIRE TO WITHDRAW FROM THE LOUISIANA COASTAL ZONE MANAGEMENT PROGRAM.

LEAGUE POSITIONS AT NATIONAL, STATE, AND LOCAL LEVELS SUPPORT PROTECTION AND PRESERVATION OF COASTAL WETLANDS, UNIQUE ECOLOGICAL SYSTEMS, AND NATURAL RESOURCES.

WE BELIEVE LAKE PONTCHARTRAIN IS A REGIONAL RESOURCE AND NEEDS TO HAVE A COORDINATED PLAN TO MANAGE DEVELOPMENT IN SURROUNDING AREAS IN ORDER TO PROTECT ITS PRODUCTIVITY. IT IS VITAL THAT ST. TAMMANY CONTINUES TO PARTICIPATE IN THIS PROGRAM WHICH OVERSEES HOW WETLANDS ARE DEVELOPED. THE CITIZENS OF ST. TAMMANY PARISH HAVE REPEATEDLY EXPRESSED OVERWHELMING SUPPORT FOR STRONG ENVIRONMENTAL RULES AS WELL AS STRICT ENFORCEMENT OF THOSE RULES. THE PARISH CANNOT AFFORD TO EMPLOY THE EXPERTISE TO MAKE IMPARTIAL JUDGEMENTS ON THE IMPACT A PROPOSED PROJECT MAY HAVE ON COASTAL EROSION, DESTRUCTION OF PRODUCTIVE MARSH AREAS, AND THE OVERALL HEALTH OF LAKE PONTCHARTRAIN.

IT IS IMPORTANT TO CONSIDER THE WETLANDS AS A FACTORY WHICH PRODUCES MILLIONS OF DOLLARS WORTH OF PRODUCTS ANNUALLY. IT IS A RENEWABLE RESOURCE WHICH WE CAN HARVEST CONSTANTLY. IT MUST BE CONSERVED AND PROTECTED. WE SHOULDN'T SACRIFICE LONG TERM REGIONAL ECONOMIC BENEFITS FOR SHORT TERM FINANCIAL PROFITS THAT WILL BENEFIT VERY FEW.

IN MARCH OF 1985 A POLICE JURY COMMITTEE COMPOSED OF THOSE JURORS WHOSE DISTRICTS BORDER ON THE LAKE WAS APPOINTED TO REVIEW THE WORK OF THE LAKE PONTCHARTRAIN TASK FORCE. THIS COMMITTEE HAS NEVER MET. TO MY KNOWLEDGE, NO POLICE JURY COMMITTEE HAS REVIEWED THE TASK FORCE'S PLANS. ST. TAMMANY'S OWN PROPOSAL FOR SHORELINE MANAGEMENT IS NOT EVEN WRITTEN YET. FURTHERMORE, THE ST. TAMMANY PARISH REPRESENTATIVE TO THE TASK FORCE HAS A DIRECT FINANCIAL INTEREST IN THE DEVELOPMENT OF LAKEFRONT PROPERTIES.

THE POLICE JURY HAS ALWAYS HAD THE POWER TO IMPOSE GREATER RESTRICTIONS ON WETLANDS DEVELOPMENT THAN THOSE REQUIRED BY STATE AND FEDERAL AUTHORITIES AND THEY STILL HAVE THAT RIGHT. WHAT THEY MIGHT NOT BE ABLE TO DO IS TO PERMIT QUESTIONABLE COASTAL DEVELOPMENT TO FAVOR DEVELOPERS AND LAND OWNERS UNDER THE NEW GUIDELINES, ... AND THAT APPEARS TO BE THE REAL CRUX OF THIS STRUGGLE.

PRESERVATION OF THE INTEGRITY OF THE LAKE IS TOO IMPORTANT TO ALL OF US TO SACRIFICE ITS WELL-BEING TO PAROCHIAL AND PRIVATE INTERESTS.

Barbara Dodds
BARBARA DODDS, Director, League of Women Voters



LEAGUE OF WOMEN VOTERS
of St. Tammany

July 21, 1987

Commission on Ethics for Public Employees

7534 Perkins Road
Baton Rouge, Louisiana 70802

Attn: Mr. Peter Wright

Dear Sirs:

At the direction of the Board of the League of Women Voters of St. Tammany, I should like to bring to your attention a matter we consider to be a serious breach of ethical standards.

The representative of the government of St. Tammany Parish to the Lakes Pontchartrain/Maurapas Task Force is Mr. Richard P. Kelley. The Task Force is charged with developing a plan for the management of the shorelines and wetlands of the parishes which border the above lakes. It is an advisory board and has been deliberating for over two (2) years. Each parish was to present a plan detailing how it would propose to preserve and conserve its sensitive areas. The Task Force deals with those areas starting at the five (5) foot contour and running into the lake(s). The Task Force is composed of delegates from several facets of concern and their total number of voting delegates is seventeen (17). In addition to the eight (8) parishes which border the lakes(s), there is one representative from each of the following:

Oil and Gas Industry
Shell Dredging Industry
Developers and Builders
Environmental Groups
Governmental Agencies:
Louisiana Department of Natural Resources
Louisiana Department of Environmental Quality
Louisiana Department of Health and Human Resources
Louisiana Department of Wildlife and Fisheries
United States Corps of Engineers

Page Two
Commission on Ethics for Public Employees
July 21, 1987

Mr. Kelley owns more than seven thousand five hundred (7,500) acres of land classified as marsh, according to the tax assessor's rolls. A search of the Courthouse records indicates that none of this has been sold in the past two (2) years. His major interests include oil and gas leases as well as industrial development and a family interest in Treasure Isle, a subdivision on the eastern shore of Lake Pontchartrain.

His family background includes a maternal kinship with the Geohagen interests, (his mother's maiden name), which has amassed large landholdings in the coastal area. In a statement presented to the St. Tammany Police Jury at its April 1987 meeting, the League of Women Voters included the reminder, "Furthermore, the St. Tammany Parish Representative to the Task Force has a direct financial interest in the development of lakefront properties."

To date, the Police Jury has not withdrawn Mr. Kelley from the Task Force. Earlier, in 1986, this conflict was pointed out verbally and in private to the then president of the Police Jury. It was again expressed in the same manner to the new president of the Police Jury early on in 1987.

It is our contention that Mr. Kelley has a severe conflict of interest because of his substantial financial interest(s) in land about which the Task Force is formulating plans.

We respectfully request your Board to make an inquiry into this matter.

Very truly yours,

Millie A. Ryan/aa

Millie A. Ryan, President
League of Women Voters of
St. Tammany

MAR/aa

Enclosures

Copies of Newspaper Reports
Copies of Newspaper Editorials
Information from the St. Tammany Parish Tax Assessors Rolls

INFORMATION FROM ST. TAMMANY PARISH TAX ASSESSOR'S ROLES

JULY 10, 1987

TAXING DISTRICT #26

#2533 KELLEY, RICHARD P.
 LOT 15 SEC 37-10-14
 IMPS 49,800 1 ACRE 3000
 PROP VAL 7980 NO EXEMPTION
 TAX 1337.37

#2534 KELLEY, RICHARD P.
 .30 H/L SEC 34-9-15
 IMPS 0
 PROP VAL 300 NO EXEMPTION
 TAX 50.28

#2535 KELLEY, RICHARD P.
 SH 7500.0 52500
 IMP 0
 PROP VAL 52500 NO EXEMPTION
 8798.48 + 150
 TAX 8948.48

7500 AC H/L WEEMS OR PREVOST ISLE 80 AC E.25 OF NE .25
 SEC 4-10-14 40 AC SW .25 SEC 3-10-15 20 AC W
 .50 OF NE SE SEC 4-10-15 40 AC SE OF NW SEC 3-10-15 10
 AC E .50 OF SE SEC 33-9-15 702.29 - LOTS 1,2,9,15 NE
 SEC 6-10-15 80.5 AC SW NE SE OF NW SEC 4-10-16 BAL OF
 DESC AS RECORDED

TAXING DISTRICT #26

#1076 KELLEY, RICHARD P.
 FH 40.3
 PROP VAL 320
 TAX 52.84
 H/L BEING NW .25 OF SE .25 OF SEC. 33-9-15-CB 196 539 CB
 367 492 CB 376 283 CB 388 2728 CB 397 1B 4 186 CB 409
 176

Jurors to referee coastal zone fig

By JOHN FAHEY
 St. Tammany Bureau

T-P-A-16-E
 A-4 Thursday, April 18, 1987

CONTINUED...

Zone

From Page 1

shouldn't be attempting it, he said.

For example, they have been setting up land-use classifications that prohibit development in much of the area's wetlands. No development would be allowed on wetlands, whether they are publicly or privately owned.

That restriction would cause problems in St. Tammany, said Parish Planning Director Allan Cartier, who supports Kelly's proposal.

The parish has about 70,000 acres of wetlands, and about 40,000 acres of that is privately owned. Some of the land is 8 to 9 feet above sea level and should be open to limited development, he said.

Cartier said most private wetlands in Orleans and Jefferson parishes already have been developed, so those parishes have nothing to lose under the new regulations.

"But we in St. Tammany would be greatly affected," he said. "Our present zoning ordinance, which is restrictive, would adequately handle and protect the environment."

Representatives of environmental groups disagree. Barbara Owens of Covington, who is on the task force as a representative of environmental groups, said withdrawal from the program would be disastrous for St. Tammany.

"It would leave the parish open to developers' pressure and would turn the permitting process into a political football," she said. The result could be drainage of canals, dredging of marshlands and the loss of important breeding grounds for fish and wildlife.

She has support from Mary Ann Barton, president of the St. Tammany League of Women Voters, and Joel Lindsay, coordinator for the state Department of Natural Resources, Coastal Zone

"St. Tammany has a large estuary area, and it's important that they participate in the local planning procedure," Lindsay said. "If it withdraws, we feel the best scientific research for protection of this area will not be available for their use."

In addition, the parish would lose state grants for local permitting procedures, he said. Lindsay said the one-time grants are about \$60,000 to \$70,000.

Barton said the parish should stay with the program "because there needs to be a coordinated effort to manage shoreline areas. It is the only program that at the present time has the resources to monitor and evaluate permit requests on proposed development in the wetlands area."

She said the parish shouldn't try to develop its own permitting plan, "because the wetlands problem is a regional resource question and not limited to one area. In addition, the parish doesn't have the staff to evaluate environmental concerns."

See ZONE, A-4

St. Tammany votes to drop coastal plan

4-17-87 - T-P

By JOHN FAHEY
St. Tammany Bureau

St. Tammany Parish will try to pull out of the state's Coastal Zone Management Program unless it gets to control wetlands development in the parish.

The Police Jury voted 12-1 Thursday to back a controversial proposal that would take St. Tammany out of the state program to protect and restore wetlands and coastal areas in 19 years.

The parish must get legislative approval for the action.

Some parish officials have been pushing for withdrawal from the program because a state task force has proposed strict use plans that would bar any development of public or private lands bordering Lake Pontchartrain and Lake Maurepas.

They said parish officials could be allowed to make their own decisions about wetlands development.

Police jurors said they are willing to stay in the program if the task force will accept a separate use plan for St. Tammany.

They directed the Parish Planning Department staff to develop such a plan and submit it to the task force.

If the task force rejects the parish plan, the parish will seek state permission to withdraw from the task force and the Coastal Zone Management Plan after conducting three public hearings.

The task force is made up of representatives from the eight parishes bordering the two lakes and members of several state departments, the Coast Guard and special interest groups.

The Police Jury's appointee to the task force, Richard Kelly of Slidell, has been a leading proponent of withdrawing from the group.

Kelly said public officials "elected by the people should have the final say on what happens along its shorelines, not outsiders who are not trained in land use planning."

All jurors supported him, with the exception of President Barry Baggett, Juror Jerry Schwabm

See COASTAL, next page

Coastal

From B-1

was absent. Juror Stan Owen said he believes the final responsibility for administering a program "comes down to who the people call. I've been awakened at 2 a.m. on a flooding complaint."

Juror Elizabeth Teague, who wrote the resolution, agreed. "We need to have self-determination and have to have a plan developed through input from our citizens."

Kelly said the majority of the task force wants to impose "no growth, development" for more than 70,000 acres of wetlands along St. Tammany shorelines.

Parish Planning Director Allan Cartier said the parish's plan will allow some development, including marinas and residential subdivisions, on privately owned wetlands.

Barbara Owens of Covington, who represents environmental groups on the task force, warned jurors that to pull out of the

program would "court disaster."

She said the problem of coastal zone management "is a regional, basin-wide long-term problem and can only be solved through working within the coastal zone management process."

She accused Kelly of having a conflict of interest because he owns property along one of the lakefronts.

Mary Ann Barton, President of the St. Tammany League of Women Voters, urged jurors to stay in the program because "there needs to be a coordinated effort to manage shoreline area."

Critics cite conflict for wetlands official

By JOHN FAHEY T-P
St. Tammany Bureau 4-14-87
CONTINUED...

Wetlands

From Page 1

The critics, including the St. Tammany League of Women Voters, also have attacked Kelly, saying he has a conflict of interest because he owns land that would be affected by the task force's land-use plan.

A spokesman for the state Ethics Commission said the task force members do not fall under its jurisdiction. Parish government members were free to choose representatives as they wished.

Records in the parish assessor's office show that Kelly owns 7,500 acres of marshland near the Rigolets in the extreme southeastern portion of the parish. Although the property is in Kelly's name, Cartier said Kelly's wife shares ownership with other members of his family.

Kelly's property is assessed at 171 acres. All state salt-marsh wetlands are assessed at that value.

The assessment does not reflect the market value of the property. A Slidell-area appraiser, who did not want to be named, said the last sale in the area where Kelly owns land brought about \$100 an acre.

But he said there haven't been any property sales in the area for eight years.

"It's only value now is for recreational purposes such as hunting or trapping and for mineral exploration," he said.

Some of those involved in the land-use controversy said Kelly's land may not be particularly suitable right now, but it may be ripe for a marina-type residential development in the future. It is close to the St. Tammany-Oileans Parish line near the intersection of U.S. 90

Under present parish zoning restrictions, Kelly could develop about 1,300 of his 7,500 acres, Cartier said. The remainder of the land is too low for development under the parish zoning code.

But if the task force's strict land-use rules go into effect, Kelly would be able to develop only a small portion of the land, and most of the property's sole use would remain recreational.

The vast majority of the land is in an area the task force has labeled CMZ, where development would be severely restricted.

Joel Lindsey, coordinator for the state Department of Natural Resources, said oil and gas exploration and production and even water marinas and residential development are allowed in the CMZ classification. But there are strict restraints. For example, no interruption of the flow of water and no dredging or fill are allowed.

Cartier said these restraints just about eliminate any meaningful development. He said the parish's zoning ordinance that allows supervised growth is protection enough.

James Nelson, who lives near Mandeville, told the Police Jury last week, "It doesn't take a brain to determine that Mr. Kelly is smiffed because he can't get some project developed in a pristine area."

Kelly insists that his opposition to the task force's plan has nothing to do with his ownership of the wetlands property.

"I really believe in conservation," he said. "And it really doesn't matter who I am. The focus should be on whether what the task force members are trying to do is right or wrong, and I say it's wrong."

He says coastal zone management officials are more interested in preserving a bird sanctuary "in the middle of nowhere" than allowing development that wouldn't harm the birds and would help a depressed economy.

Kelly said that he recently became frustrated when he did some excavation work near his home at Trésure Island near the Rigolets.

"I spent \$5,400 to have a permit prepared by a Baton Rouge firm to do the excavation," he said. "You have to have a staff to

Wetland ideas can be hard to swallow

Swallow hard.

St. Tammany Parish officials are asking you to suspend disbelief and accept the following:

▶ That they are better qualified to make decisions about what happens to our rich wetlands than state environmental officials.

▶ That a key proponent of a plan to withdraw from a state wetlands protection program is not influenced by the fact that he owns thousands of acres of those same wetlands.

▶ That the parish Police Jury can be trusted to make sensible, impartial choices between the public and private good when confronted by developers eager to make a buck.

Believe it or not, those were among the arguments advanced recently when the jury voted 12-1 to withdraw from the state's Coastal Zone Management Program unless it gets to control development of the parish's wetlands.

St. Tammany, along with seven other parishes that border Lake Pontchartrain and Maurepas, has participated in a CZM task force for several years.

The task force is drawing up plans that would bar all development of wetlands bordering the lakes. That would preserve about 70,000 acres of wetlands in St. Tammany alone.

But the Police Jury's opinion is to withdraw from the task force. Richard Kelley of Slidell and Parish Planning Director Allan Cartier have other plans in mind.

They want to allow development of some wetlands for condominiums and other real-estate uses and perhaps a marina or



Tammany Beat
Kristin Gilger

Environmental groups have blundered at the proposal. They oppose any development pointing out that our wetlands already are disappearing at an alarming rate.

Even if you're not a purist and you wouldn't mind a few condors in the middle of the marsh, there are some serious problems here.

The first has to do with money. Parish records show Kelley owns 7,600 acres of wetlands in the Rigolito marsh in the extreme southeastern end of the parish. He also is related to the Geobegan family, which owns thousands more acres of marshland in that area.

Kelley insists this has not influenced his decision to oppose the task force's proposed land-use plans. Even if that's true, one has to wonder why the Police Jury would appoint someone with such an obvious conflict of interest to a task force on regulating wetlands.

The second serious problem has to do with the jury itself.

But the Police Jury's opinion is to withdraw from the task force. Richard Kelley of Slidell and Parish Planning Director Allan Cartier have other plans in mind.

They want to allow development of some wetlands for condominiums and other real-estate uses and perhaps a marina or

If you agree that some wetlands development should be allowed, it's still a long leap to agreeing that the jury is the one who should do the allowing.

Cartier has argued that the parish Zoning Commission can be trusted to make the best land-use decisions for St. Tammany.

The commission does have a fairly good environmental record. But Cartier is ignoring the fact that the real bosses here are the police jurors. They can — and regularly do — override commission decisions.

In fact, at the same meeting that the jury voted to withdraw from the wetlands task force, it voted to ignore a Zoning Commission Recommendation to block the erection of several billboards along highways in the parish.

We're going to entrust the same Police Jury that doesn't have enough backbone to block billboards to stand up to high-powered developers?

Inadvertently, Cartier may have provided the best argument against withdrawing from the task force.

If the parish doesn't pull out, he said, it will be "in the position of begging for approval of a project from people unfamiliar with the project and, in many cases, relatively uncommitted."

Here, here.

OUR TOWN/ST. TAMMANY

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Tammany gets cautious backing on wetlands plan

ST. TAMMANY PARISH POLICE JURORS VOTED TO WITHDRAW FROM THE STATE COASTAL ZONE MANAGEMENT PROGRAM UNLESS IT GETS TO CONTROL DEVELOPMENT OF THE PARISH'S WETLANDS.

St. Tammany Parish Police Jurors on Tuesday voted to withdraw from the state Coastal Zone Management Program unless it gets to control development of the parish's wetlands. The vote was 12-1.

The plan would require development of wetlands more than 70,000 acres of wetlands. The plan would require development of wetlands more than 70,000 acres of wetlands. The plan would require development of wetlands more than 70,000 acres of wetlands.

Wetlands

From Page 1

Task force member Barbara Owens, who is a member of the local chapter of the Sierra Club, said her group wants wetlands left as they are.

"We know they can't and I for one believe in compromise," she said. "But I haven't had a chance to fully study the parish's proposal. I'll reserve my opinion, although this plan seems to have some merit."

But a national representative of the Sierra Club criticized the plan.

Off the wall, I believe it places too much emphasis on protecting wildlife and does not address water quality or flood control," said Vivian Newman of

Joel Lindsey, of the state Department of Natural Resources, said, "The concept has real merit, but needs further refinement to spell out specific steps to be followed in gaining permits to develop in wetland areas."

After meetings with special interest groups are held, the plan will be refined and brought back for reconsideration, Cartier said.

"This might take several months, but we're in no hurry. We want to get something that everyone can feel comfortable with."

Among the issues yet to be decided is whether an oil and gas company would have to pay toward the cost of building and maintaining a levee along a road in a wetlands area that leads to an exploration site elsewhere.

The question was raised by Ron Fiore, a commission member representing the oil and gas industry, who said he would meet later

STAFF PHOTO BY DAVID RICE

want to discourage any oil or gas exploitation.

The parish's draft plan had been called for the St. Tammany Parish Planning Commission to administer money for wetlands protection and maintenance, but Cartier said that was changed to the St. Tammany Sewerage and Water Management Commission.

Some people had questioned the independence of the Planning Commission since its actions can be overridden by the Police Jury.

"The new St. Tammany Sewerage and Water Management Commission is an independent group that answers to no other parish governmental body," Cartier said. "When it is fully implemented, it will have its own biologist and the expertise to supervise the program. It is also the parish body to handle water quality problems."

The sewerage commission was created by the Legislature last



LEAGUE OF WOMEN VOTERS

of St. Tammany

STATEMENT TO POLICE JURY

AUGUST 20, 1987



LEAGUE OF WOMEN VOTERS

of St. Tammany

November 15, 1987

RE: AMENDMENT TO ZONING CODE 523: SECTION 2.16

LA Department of Natural Resources, Coastal Management Section
P.O. Box 44487
Baton Rouge, LA 70804

THE LEAGUE OF WOMEN VOTERS OF ST. TAMMANY HAS LONG SUPPORTED GOOD COMPREHENSIVE ZONING ORDINANCES AND STRONG ENFORCEMENT OF THOSE ORDINANCES. THE LEAGUE ALSO BELIEVES THAT DECISIONS MADE ON ANY ISSUE SHOULD BE BASED ON COMPLETE INFORMATION.

THE ZONING COMMISSION, AT ITS AUGUST 11, 1987 MEETING, VOTED TO RECOMMEND TO THE POLICE JURY AN AMENDMENT TO THE PARISH ZONING CODE WHICH REMOVES ANY TONNAGE RESTRICTIONS FROM THE CLASSIFICATION OF BOAT BUILDING AND REPAIR, WHICH CURRENTLY APPEARS AS A "PERMITTED USE" IN SECTION 2.16, M-2 INTERMEDIATE INDUSTRIAL DISTRICT WITH A LIMIT OF 3 TONS IMPOSED. THIS EFFECTIVELY RECLASSIFIES ALL BOAT AND SHIP BUILDING AS OUTRIGHT "PERMITTED USES" IN THE M-2 ZONING DISTRICT. IT THEREFORE, WILL REMOVE SHIPBUILDING OF OVER THREE TONS FROM THE CLASSIFICATION OF HEAVY INDUSTRY, M-3.

ZONING ORDINANCE 523 IS STRUCTURED TO REFLECT THE POLICY UPON WHICH IS IT BASED. PART OF THIS IS ACCOMPLISHED IN THE "STANDARDS SECTIONS" WHICH ACCOMPANY EACH ZONING CLASSIFICATION. THESE "STANDARDS" HELP TO SAFEGUARD THE QUALITY OF THE DEVELOPMENT AND THE ENVIRONMENT OF THE SURROUNDING COMMUNITY. THERE ARE DISTINCT DIFFERENCES BETWEEN M-2 AND M-3 ZONING IN LOT SIZE REQUIREMENTS, SET-BACK REQUIREMENTS, AND NOISE RESTRICTIONS. THEY WERE NEITHER PRESENTED NOR DISCUSSED AT THE ABOVE ZONING COMMISSION MEETING. THE FOLLOWING ARE SOME OF THESE DIFFERENCES:

LOT AREA	M-2	40,000 S.F.	M-3	90,000 S.F.
LOT WIDTH	M-2	200 FT. MIN.	M-3	300 FT. MIN.
FRONT SET BACK	M-2	MINIMUM 25 FT.	M-3	FROM FRONT PROPERTY LINE
BACK SET	M-2	MINIMUM 50 FT.	M-3	FROM FRONT PROPERTY LINE
NOISE LEVELS	M-2	70 DB-A AT GROUND LEVEL-AT THE LOT BOUNDARY LINE.	M-3	UNLIMITED DURATION
	M-2	70 DB-A AT GROUND LEVEL-AT THE LOT BOUNDARY LINE FOR NO MORE THAN 20 MINUTES AT A TIME AND/OR FOR MORE THAN A CUMULATIVE TOTAL OF 120 MINUTES PER DAY.		

THE LEAGUE BELIEVES THAT ALL THE FACTS SHOULD BE CONSIDERED BEFORE RECLASSIFYING AN ENTIRE INDUSTRY TO ANOTHER ZONING CATEGORY.

C. U. P. #F810462 / CORPS OF ENGINEERS #LHND-SE(GEHOAGENCANAL)110
APPLICANT: V. G. WALL C/O COASTAL ENVIRONMENTS, INC., 1260
MAIN ST. BATON ROUGE, LA 70802

Dear Sirs:

It is with abject dismay that we see yet another dredging operation in the marsh and wetlands. Furthermore, it is for no apparent purpose other than to sell the resultant dredged material.

There is no mention of an impact statement nor any explanation of what the proposed canal will do to the surrounding areas.

The League objects to any permit being issued under any conditions until there is a well documented reason to dig a canal in the wetlands.

The public interest is not well served here, only private profit. We fail to see how permitting this proposed "ditch" will reflect the national concern for both protection and utilization of important resources. It would appear that to get some fill dirt which could easily be supplied by other means, we would be doing great harm to an important resource, our wetlands.

A public hearing should be held to give the citizens of the area an opportunity to express their concerns about this activity.

Sincerely,

Millie Ryan

Millie Ryan, President, League of Women Voters of St. Tammany

Barbara Dodds

Barbara Dodds, Chair, Natural Resources, League of Women Voters of St. Tammany

MILLIE RYAN, PRESIDENT, LEAGUE OF WOMEN VOTERS OF ST. TAMMANY

BARBARA DODDS, DIRECTOR, LEAGUE OF WOMEN VOTERS OF ST. TAMMANY



LEAGUE OF WOMEN VOTERS
of St. Tammany

January 6, 1989

Commission on Ethics for Public Employees
7434 Perkins Road
Baton Rouge, LA 70802

Attention: Mr. Peter Wright

Dear Sirs:

On July 17, 1987, at the direction of the Board of the League of Women Voters of St. Tammany, I requested that the Commission on Ethics for Public Employees inquire into a matter we considered to be a serious breach of ethical standards.

It was and still is our contention that Mr. Richard Kelley, who sits on the Lakes Pontchartrain / Maurepas Task Force as a representative of the St. Tammany Parish Police Jury, has a severe conflict of interest because of his substantial financial interest(s) in land about which the Task Force is formulating plans.

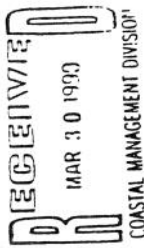
During the past eighteen months, we have heard nothing further on this matter from the Commission on Ethics for Public Employees.

We would like to know when the case was presented to the Commission. Additionally, we would like to know what the Commission decided to do with this matter. Is there an investigation ongoing?

A response from the Commission would be appreciated.

Very truly yours,

Hillie Ryan, President
League of Women Voters of St. Tammany



Mr. Greg Ducote
Local Coastal Programs Section
Coastal Management Division
Dept. of Natural Resources
P. O. Box 44387
Baton Rouge, Louisiana 70804-4487

March 28, 1990

Dear Mr. Ducote,

Last week I attended the Covington area hearing for the proposed Local Coastal Zone Program. I am a second-year student at Tulane School of Law with special emphasis in environmental law and coastal zone management in particular. I am also a resident of St. Tammany Parish. For the reasons outlined below, I ask that the DNR and the U.S. Army Corps of Engineers withhold approval of the LCP for St. Tammany Parish at this time.

The Meeting

Coastal zone management and wetlands protection is of critical concern locally, nationally and even globally. Hundreds of attorneys, regulators and private individuals nationwide are grappling with terms such as "no net loss," "avoidance," and "mitigation" to come up with a workable policy in managing wetlands (see enclosed MOA). St. Tammany Parish, by applying for a coastal program, appears to want to join the fray. I was greatly disappointed, therefore, at the attendance at the LCP hearing. The LCP has received little fanfare in St. Tammany, and negligible press coverage, possibly because the citizens do not realize its potential impact.

I was most disappointed by the conspicuous absence of any of the members of the Planning Commission, who are charged with gathering information and making recommendations on permitted uses to the Local Program Administration. Only two police jurors attended the Covington hearing. This alone casts serious doubt on St. Tammany's commitment to the program and to managing the unique environment of the coastal zone.

The three Parish officials (and Dr. Emmer) in attendance were knowledgeable about the document itself, but were unable to answer pointed questions beyond the bounds of the document; most notably questions about cost to the parish (other than a general reference to state and federal "matching funds"), qualifications of the LCP Administrator, and specifics of enforcement.

Of the half-dozen or private individuals speaking at the meeting, only one--a developer--came out in favor of the plan. A request for a 10-day extension of the 10-day, post-hearing comment period (which would have allowed the City of Mandeville as well as local environmental and community action groups a chance to investigate, meet, discuss the proposal and draft well-thought-out comments) was denied. It is my understanding that the Parish scrapped plans for an LCP program two years ago. Why the parish now

1. The Coastal Management Division, Louisiana Department of Natural Resources, in coordination with the Office of Ocean and Coastal Resource Management, U.S. Department of Commerce makes the decision on the Local Coastal Program. The U.S. Army Corps of Engineers is not involved in the process.
2. Public notices on the availability of the Draft Local Coastal Program document were published in the Times-Picayune, St. Tammany edition, the State-Times (the official state journal), and the weekly newspaper in the parish. Copies of the document were sent to all elected officials, numerous special interest groups, federal and state agencies, and private citizens known to have a concern for the subject. In addition, copies of the document were placed in public libraries throughout the parish, in the Office of the Coastal Management Division in Baton Rouge, in parish offices in Slidell and Covington, and were for sale in the Planning Office in Covington. Two, not one as required by state law, public hearings were conducted, one at each end of the parish. Finally, the newspapers carried several articles on the program and the public hearings.
3. Qualifications and salaries for the Local Coastal Program Administrator are being developed. At this time the following qualifications are being seriously considered. The individual must have the minimum of a bachelor's degree from an accredited institution of higher learning in landscape architecture, planning, geography, geology, ecology, a life science, or public administration. This individual must have a minimum of two years experience in coastal related issues and have the physical ability to conduct field inspections by boat, car, or truck. The anticipated salary is \$24,952 to 31,067 and is a level Senior Planner within the St. Tammany Parish governmental system. Enforcement is through the district attorney's office in a manner and procedure similar to enforcing other parish ordinances and programs.
4. A ten day extension was granted. The close of the comment period was April 10, 1990.

The Document (Goals, Objectives and Policies)

While acknowledging St. Tammany's wetlands as environmentally sensitive areas, and the fact that development is encroaching on and endangering the wetlands, the purpose of the Parish's involvement remains a mystery. If the Parish merely wishes to mimic the state's permitting/enforcement regime, why add another bureaucratic headache to already overburdened local departments and stretch the local budget even further (adding another employee as well)? Does the Parish believe that state permitting and enforcement are too lax, and plan to enact more stringent regulations? If this is the goal, it is not reflected in the document, and the public meeting shed no light on the subject. Also, statements in the document seem to indicate the opposite. (See, e.g., p. 10: "Because St. Tammany has become a bedroom community for commuters working on the south shore, land must be cleared for houses, shopping centers, and small businesses such as marinas," emphasis added; p. 16: "The coast is a complex system with many users. Conflicts and problems will occur and solutions will require compromises by all parties.")

Coastal use guidelines are now promulgated by DNR in conjunction with DMF. It appears that these alone are legally binding. Is the LCP simply required to enforce these guidelines, or may St. Tammany enact its own, more stringent, legally binding CUGs? (See p. 49: "Local policies which contain prohibitions, restrictions or performance standards beyond the scope of the CUG shall be considered advisory by the Parish, the CMD/DNR, and permit applicants (i.e. mandatory policies with "shall" are modified such that "should" is the operative verb), emphasis added).

The Ordinance

Art. 3 Permitted Uses (really uses NOT requiring a permit):
(c) Agricultural, forestry and aquaculture activities consistently used in the past for such activities.

Besides the fact that this¹⁵ smartfully drafted, this appears to allow these activities in the wetlands regardless of environmental impact. Clear-cutting and current agricultural practices have been major contributors to the poor water quality and posting of rivers, bayous and lakes (esp. Lake Pontchartrain). Clearcutting in wetlands should not be allowed, regardless of the past use of the land.

(b) What is the purpose of (b) when these are already exempt in (a)? Are (b) constructions not subject to DNR review even if they would have a significant environmental impact? If not, then the baby has been thrown out with the bathwater.

(c) Who decides "direct and significant impact on coastal waters," and based on what criteria? It appears that the builder/homeowner makes this preliminary decision, rather than local authorities (seems to be an initiative not to apply for a permit if you think you're borderline or have slim chance of being caught).

5. The purposes for the parish involvement in a LCP are presented at the bottom of page 1 and the top of page 2.

6. The quote was provided by the Coastal Management Division and was made a part of the document at their insistence.

7. The State and Local Coastal Resources Management Act of 1978, as amended, specifies activities not requiring a coastal use permit (Section 213.15). The referenced material is a quote from the law.

8. The State and Local Coastal Resources Management Act of 1978, as amended, specifies activities not requiring a coastal use permit (Section 213.15). The referenced material is a quote from the law.

9. The Coastal Management Division, Louisiana Department of Natural Resources decides what are "direct and significant impacts on coastal waters." Direct and significant impacts are defined as: An impact which is a direct and significant modification or alteration in the physical or biological characteristics of coastal waters which results from the action or series of actions caused by man (1980, FEIS, Appendix c6, DEFINITIONS, no. 12, p. c6-2).

10. The Parish is asking its citizens to approve a plan involving a powerful individual (the LCP Administrator) not directly accountable to the public, who is as yet unnamed (and qualifications are unknown) to enforce regulations not yet drafted.

11. Ideally, an LCP should have a local program administrator working with a specially formed coastal use and planning commission (not the current planning commission) with expertise of biologists, engineers, environmental groups and businesses ALL represented. This body should recommend or deny permit applications directly to the Policy Jury, who would then vote on the permit (I believe this is the procedure for alcoholic beverage licences; coastal zone management is at least as critical). This interjects political accountability into the process (remember, these are permits required usually only when wetlands damage is likely to occur).

Art. 6: Permit Procedures

12. (b) This is troubling because a public hearing will only be held when 25 registered voters from within the EMU make a written request within the comment period. Why 25? Why must they reside within the EMU? What is "significant public opposition"? My concern is that the net effect is to shut out environmental interest groups, sport associations, etc., who do not reside in the EMU but will be affected by the outcome of the permit process. The U.S. Supreme Court has given a far broader definition of standing to environmental groups and concerns: why must St. Tammany's be so narrow? Also, may the Police Jury direct any activity of the LCP including ordering a hearing? I am uncertain whether the Administrator is an employee of the Police Jury or the Planning and Development Department, and to whom he/she will be directly accountable.

13. What is the provision for citizen's suits if St. Tammany fails to diligently prosecute or enforce these regulations?

Art. 9: Enforcement

14. A law is only as good as the enforcement mechanism, and I am concerned that this is the weakest link in the whole plan. Is state enforcement inadequate? If not, and our regulations are (or can be) no more stringent than those at the state level, why put this burden on the Parish? Recently, Parish voters soundly rejected the Sheriff's plea for increased funding. At the meeting it seemed that the onus for enforcement will fall on his office. Does the Sheriff's office have the time or expertise to deal with environmental issues and regulations? What will this cost St. Tammany? When a violation has occurred and is reported to the Parish (by citizens or officials), how soon will legal action ensue?

A case in point: Clear cutting is allowed in St. Tammany Parish with some restrictions. In December, a major logging operation was underway near a residential area, and it was likely

10. Qualifications are proposed and a salary suggested (see no. 3 above).

11. The ultimate decision is with the Police Jury as proposed by the comment. The Planning Commission is used to avoid redundancy in evaluations and the need to add yet another decisionmaking entity.

12. The LCP document provides many avenues for initiating a public hearing. The Police Jury may request a hearing, elected officials or other local authorities may request a hearing.

The LCP Administrator is an employee of the parish.

13. The LCP in no way limits or restricts the rights of a citizen to file suit should the parish not diligently prosecute or enforce the LCP program. State statutes provides for reconsideration of decisions by the Secretary of the Department of Natural Resources.

14. Some have questioned the adequacy of state enforcement, but that is not an issue of the LCP document. The reasons for parish participation are explained at the bottom of page 1 and the top of page 2. All parish offices will uphold the law as they are required to do.

that the logging trucks were well over the weight limit for residential streets. Despite pleas from citizens to halt the logging, Parish officials' hands were tied because they did not have a scale to weigh the trucks!

Signage, landscaping and nuisance violations are on the verge of being out of control in the parish simply because there are not enough enforcement officials to keep up with the violations. That does St. Tammany really want to enact more regulations that will be unenforceable due to budgetary constraints? Also, will this ICP honor the spirit of "no net loss" (see MOA) to avoid, mitigate, and compensate, or fund itself in the position of ~~enforce~~ enforce permit modifications and lawsuits due to untimely enforcement?

The small fines (granted, they are the highest allowed local agencies by law) are hardly a deterrent; therefore, timely enforcement is the key to mitigating environmental damage.

Also, the burden of proof for such fines is high: the violator must have intentionally violated the ordinance or other statute; putting the burden on the potential violator to determine whether or not they may be violating the law is the usual course. It should be up to the builder/homeowner to discover whether the use they propose requires a permit, not vice versa.

Summary

In sum, local control is a good idea, in theory. It rarely works. It is a misperception to think that wetlands and wetlands loss is a local issue. It has become a national issue because local officials, subject to economic and political pressures at home, have failed to act, failed to make politically tough choices. That is why the attention of the nation is focused on Louisiana today. This is not a sign law, or a drinking ordinance. Millions, even billions of dollars in fisheries, tourism, and flood prevention are at stake. The waters of this parish are mostly unswimmable; some are unfishable. Poor coastal zone management in the past has been a major factor in the downfall of Lake Pontchartrain, and it is time surrounding Parishes began to take action. If this is the intent of the ICP, the Parish should say so, unequivocally. If the intent is to maintain the status quo, the State is capable of that, at no cost to the Parish.

I ask that this letter be made part of the public record concerning the St. Tammany Parish ICP including my objection to the plan unless and until the above concerns are address and clarified

Yours truly,

Marie Beery
Marie Beery
129 Hickory No. 9
Covington, LA 70433

John W. A. Boyington
604 South 7th St
Covington, LA 70433

15. Parish government feels the program is realistic at this time and will be a benefit to the parish and the Pontchartrain basin.

15.

*Newell
CAA*



**MEMORANDUM OF AGREEMENT
BETWEEN THE ENVIRONMENTAL PROTECTION AGENCY
AND THE DEPARTMENT OF THE ARMY CONCERNING
THE DETERMINATION OF MITIGATION UNDER THE
CLEAN WATER ACT SECTION 404(b)(1) GUIDELINES**



I. Purpose

The United States Environmental Protection Agency (EPA) and the United States Department of the Army (Army) hereby articulate the policy and procedures to be used in the determination of the type and level of mitigation necessary to demonstrate compliance with the Clean Water Act (CWA) Section 404(b)(1) Guidelines ("Guidelines"). This Memorandum of Agreement (MOA) expresses the explicit intent of the Army and EPA to implement the objective of the CWA to restore and maintain the chemical, physical, and biological integrity of the Nation's waters, including wetlands. This MOA is specifically limited to the Section 404 Regulatory Program and is written to provide clarification for agency field personnel on the type and level of mitigation required to demonstrate compliance with requirements in the Guidelines. The policies and procedures discussed herein are consistent with current Section 404 regulatory practices and are provided in response to questions that have been raised about how the Guidelines are implemented.

Although the Guidelines are clearly applicable to all discharges of dredged or fill material, including general permits and Corps of Engineers (Corps) civil works projects, this MOA focuses on standard permits (33 CFR 325.5(b)(1)). This focus is intended solely to reflect the unique procedural aspects associated with the review of standard permits, and does not obviate the need for other regulated activities to comply fully with the Guidelines. EPA and Army will seek to develop supplemental guidance for other regulated activities consistent with the policies and principles established in this document.

This MOA is a directive for Corps and EPA personnel and must be adhered to when considering mitigation requirements for standard permit applications. The Corps will use this MOA when making its determination of compliance with the Guidelines with respect to mitigation for standard permit applications. EPA will use this MOA in developing its positions on compliance with the Guidelines for proposed discharges and will reflect this MOA when commenting on standard permit applications.

Standard permits are those individual permits which have been processed through application of the Corps public interest review procedures (33 CFR 325) and EPA's Section 404(b)(1) Guidelines, including public notice and receipt of comments. Standard permits do not include letters of permission, regional permits, nationwide permits, or programmatic permits.

II. Policy

A. The Council on Environmental Quality (CEQ) has defined mitigation in its regulations at 40 CFR 1508.20 to include: avoiding impacts, minimizing impacts, restoring impacts, reducing impacts over time, and compensating for impacts. The Guidelines establish environmental criteria which must be met for activities to be permitted under Section 404.¹ The types of mitigation enumerated by CEQ are compatible with the requirements of the Guidelines; however, as a practical matter, they can be combined to form three general types: avoidance, minimization and compensatory mitigation. The remainder of this MOA will speak in terms of these more general types of mitigation.

B. The Clean Water Act and the Guidelines set forth a goal of restoring and maintaining existing aquatic resources. The Corps will strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall net loss of values and functions. In focusing the goal of no overall net loss to wetlands only, EPA and Army have explicitly recognized the special significance of the nation's wetlands resources. This special recognition of wetlands resources does not in any manner diminish the value of other waters of the United States, which are often of high value. All waters of the United States, such as streams, rivers, lakes, etc., will be accorded the full measure of protection under the Guidelines, including the requirements for appropriate and practicable mitigation. The determination of what level of mitigation constitutes "appropriate" mitigation shall be based on the values and functions of the aquatic resource that will be impacted. This determination shall not be based upon characteristics of the proposed project such as need, societal value, or the nature of investment objectives of the project's sponsor. "Practicable" shall be defined as in Section 230.10(a)(2) of the Guidelines. However, the level of mitigation determined to be appropriate and practicable under Section 230.10(d) may lead to individual permit decisions which do not fully meet this goal because the mitigation measures necessary to meet this goal are not feasible, not practicable, or would accomplish only inconsequential reductions in impacts. Consequently, it is recognized that no net loss of wetlands functions and values may not be achieved in each and every permit action. However, it remains a goal of the Section 404 regulatory program to contribute to the national goal of no overall net loss of the nation's remaining wetlands base. EPA and Army are committed to working with others through the Administration's interagency task force and other avenues to help achieve this national goal.

C. In evaluating standard Section 404 permit applications, as a practical matter, information on all facets of a project, including potential mitigation, is typically gathered and reviewed at the same time. Notwithstanding this procedural approach, the Corps will, except as indicated below, first make a determination that potential impacts have been avoided to the maximum extent practicable; i.e., minimizing unavoidable impacts will then be

¹(except where Section 404(b)(2) applies).

conditions. Subpart H of the Guidelines describes several (but not all) means for minimizing impacts of an activity.

3. Compensatory Mitigation. Appropriate and practicable compensatory mitigation will be required for unavoidable adverse impacts which remain after all appropriate and practicable minimization has been required. Compensatory actions (e.g., restoration of existing degraded wetlands or creation of man-made wetlands) should be undertaken, when practicable, in areas adjacent or contiguous to the discharge site (on-site compensatory mitigation). Off-site compensatory mitigation is not practicable, off-site compensatory mitigation should be undertaken in the same geographic area (i.e., in close physical proximity and, to the extent possible, the same watershed). In determining compensatory mitigation, the functional values lost by the resource to be impacted must be considered. In most cases, in-kind compensatory mitigation is preferable to out-of-kind. There is continued uncertainty regarding the success of wetland creation or other habitat development. Therefore, in determining the nature and extent of habitat development of this type, careful consideration should be given to its likelihood of success. Because the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, restoration should be the first option considered.

In the situation where the Corps is evaluating a project where a permit issued by another agency requires compensatory mitigation, the Corps may consider that mitigation minimization shall still be sought.

Mitigation banking may be an acceptable form of compensatory mitigation under specific criteria designed to ensure an environmentally successful bank. Where a mitigation bank has been approved by EPA and the Corps for purposes of providing compensatory mitigation for specific identified projects, use of that mitigation bank for those particular projects will be considered as meeting the requirements of Section II.C.3 of this MOA, regardless of the practicability of other forms of compensatory mitigation. Additional guidance on mitigation banking will be provided. Simple purchase or "preservation" of existing wetlands resources may in only exceptional circumstances be accepted as compensatory mitigation. EPA and Army will develop specific guidance for preservation in the context of compensatory mitigation at a later date.

III. Other Procedures

A. Potential applicants for major projects should be encouraged to arrange preapplication meetings with the Corps and appropriate federal, state or Indian tribal, and local authorities to determine requirements and documentation required for proposed permit evaluations. As a result of such meetings, the applicant often revises a proposal to avoid or minimize adverse impacts after developing an understanding of the Guidelines

mitigated to the extent appropriate and practicable by requiring steps to minimize impacts and, only as a last resort, compensate for aquatic resource values. This sequence will be considered satisfied where the proposed mitigation is in accordance with specific provisions of a Corps and EPA approved comprehensive plan that ensures compliance with the compensation requirements of this MOA, as set forth at Section II.B (examples of such comprehensive plans may include Special Area Management Plans, Advance Identification areas (Section 230.80), and State Coastal Zone Management Plans). In some circumstances, it may be appropriate to deviate from the sequence when EPA and the Corps agree the proposed discharge is necessary to avoid environmental harm (e.g., to protect a natural aquatic community from saltwater intrusion, chemical contamination, or other deleterious physical or chemical impacts), or EPA and the Corps agree that the proposed discharge can reasonably be expected to result in environmental gain. This environmental gain must be solely attributable to the project itself, exclusive of benefits which may accrue from proposed compensatory mitigation.

In determining "appropriate and practicable" measures to offset unavoidable impacts, such measures should be appropriate to the scope and degree of those impacts and practicable in terms of cost, existing technology, and logistics in light of overall project purposes. The Corps will give full consideration to the views of the resource agencies when making this determination.

1. Avoidance. Section 230.10(a) allows permit issuance for only the least environmentally damaging practicable alternative. The thrust of this section on alternatives is avoidance of impacts. Section 230.10(a)(1) requires that, to be permissible, an alternative must be the least environmentally damaging practicable alternative. In addition, Section 230.10(a)(3) sets forth rebuttable presumptions that 1) alternatives for non-water dependent activities that do not involve special aquatic sites are available and 2) alternatives that do not involve special aquatic sites have less adverse impact on the aquatic environment. Compensatory mitigation may not be used as a method to reduce environmental impacts in the selection of the least environmentally damaging practicable alternatives for the purposes of requirements under Section 230.10(a).

2. Minimization. Section 230.10(d) states that appropriate and practicable steps to minimize the adverse impacts will be required through project modifications and permit

¹Avoidance as used in this MOA does not include compensatory mitigation.

²It is important to recognize that there are circumstances where the impacts of the project are so significant that even if alternatives are not available, the discharge may not be permitted regardless of the compensatory mitigation proposed (40 CFR 230.10(c)).

³Special aquatic sites include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs and riffle pool complexes.

requirements by which a future Section 404 permit decision will be made, in addition to gaining an understanding of other state or tribal, or local requirements.

B. In achieving the goals of the CWA, the Corps will strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources. Measures which can accomplish this can be identified only through resource assessments tailored to the site performed by qualified professionals because ecological characteristics of each aquatic site are unique. Functional values should be assessed by applying aquatic site assessment techniques generally recognized by experts in the field and/or the best professional judgment of federal and state agency representatives, provided such assessments fully consider ecological functions included in the Guidelines. The objective of mitigation for unavoidable impacts is to offset environmental losses. Additionally for wetlands, such mitigation will provide, at a minimum, one for one functional replacement (i.e., no net loss of values), with an adequate margin of safety to reflect the expected degree of success associated with the mitigation plan, recognizing that this minimum requirement may not be relevant in some cases, as discussed in Section II.B of this MOA.

C. The Guidelines are established as the environmental standard for Section 404 permit issuance under the CWA. Aspects of a proposed project may be affected through a determination of requirements needed to comply with the Guidelines to achieve these CWA environmental goals. Other reviews, such as NEPA and the Corps public interest review, cannot be used to nullify any Guidelines requirements or to justify less rigorous Guidelines evaluations.

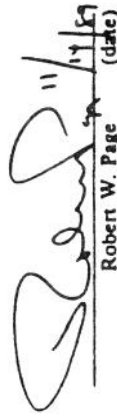
D. Monitoring is an important aspect of mitigation, especially in areas of scientific uncertainty. Monitoring should be directed toward determining whether permit conditions are complied with and whether the purpose intended to be served by the condition is actually achieved. Any time it is determined that a permittee is in non-compliance with mitigation requirements of the permit, the Corps will take action in accordance with 33 CFR Part 326. Monitoring should not be required for purposes other than these, although information for other uses may accrue from the monitoring requirements. For projects to be permitted involving mitigation with higher levels of scientific uncertainty, such as some forms of compensatory mitigation, long term monitoring, reporting and potential remedial action should be required. This can be required of the applicant through permit conditions.

⁶In most cases a minimum of 1 to 1 acreage replacement of wetlands will be required to achieve no net loss of values. However, this ratio may be greater where the functional values of the area being impacted are demonstrably high. Conversely, the ratio may be less than 1 to 1 for areas where the functional values associated with the area being impacted are demonstrably low and the likelihood of success associated with the mitigation proposal is high.

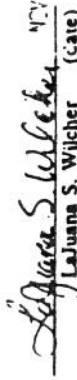
E. Mitigation requirements shall be conditions of standard Section 404 permits. Army regulations authorize mitigation requirements to be added as special conditions to an Army permit to satisfy legal requirements (e.g., conditions necessary to satisfy the Guidelines) [33 CFR 325.4(a)]. This ensures legal enforceability of the mitigation conditions and enhances the level of compliance. If the mitigation plan necessary to ensure compliance with the Guidelines is not reasonably implementable or enforceable, the permit shall be denied.

F. Nothing in this document is intended to diminish, modify or otherwise affect the statutory or regulatory authorities of the agencies involved. Furthermore, formal policy guidance on or interpretation of this document shall be issued jointly.

G. This MOA shall take effect thirty (30) days after the date of the last signature below, and will apply to those completed standard permit applications which are received on or after the effective date. This MOA may be modified or revoked by agreement of both parties, or revoked by either party alone upon six (6) months written notice.


Robert W. Page
(date)

Assistant Secretary of the Army
(Civil Works)


Lajuana S. Wilcher
(date)

Assistant Administrator for Water
U.S. Environmental Protection Agency

(Page 15)

- G. Farrish - Probably part of reference to the general code. Part of enforcement and surveillance in using their equipment in accessing the LCZ program.
- B. Dodds - Will a set of requirements be developed for the LCZ Administrator? Shouldn't this be set forth in the policy?
- Richard Muller - The 404 process will be with us even if this ordinance is not adopted. I would strongly support it.
- Jerry Phifster I am a long time resident of the area. I wanted to welcome the opportunity for the Parish to participate in the decision making process. The next best thing to a yes is a timely no. I have hunted this area with my children and walked in this area. I think it is important to have a program like this.
- L. C. Aycock - Pass
- Roy Guste - Pass
- Hank Fedder - President of the Sportsman League.
- I have been here all of my life. Development is destroying habitat. This is a public hearing for the policy to then be adopted. Will the Police Jury have to come up with the funds to finance this?
- G. Farrish - We anticipate receiving some State sharing funds to implement this program.
- H. Fedder - Last Police Jury meeting I attended, they voted unanimously to remove shell dredging back 3 miles from the north shore. They seemed to be environmentally concerned. Permits would not come before the Police Jury, but the Administrator and Planning Commission and if they approved the permits, they would be granted.
- G. Farrish - The Planning Commission is appointed by the Police Jury. They will review and decide whether to issue the permits.
- H. Fedder - When we think of the wetlands, we're talking about the marshes. Hopefully the Planning Commission will be wise enough to grant permits carefully and people like Ms. Dodds and Owens will be able to comment on it. I have complaints about camps on

the Tchefuncta. Everyone wants a little piece of God's Country. On the Bogue Falaya, we used to be able to drink the water, now you don't want to swim because you can smell the human waste in the water.

Thanks for the time. You seem to be going in the right direction with the right people operating it. With the Police Jury's concern, I believe it will be. We'll be watching what happens closely.

Charles Denechaud, III - Pass

V. Fortson - I know that there has been a criteria in determining wetlands below 5'. If wetlands fall between the 5 foot contour and I-12, who regulates them?

R. Emmer - The LCP will apply to wetlands below 5'. Above the 5' contour falls under the jurisdiction of the Corps of Engineers. Even if you get a local coastal permit you must go through the Corps permit process to address any concerns they may have. The local coastal program has nothing to do with wetlands. It is relative to an elevation. It could or could not be wetlands below the 5' contour.

Unknown man - Why is this restricted to below I-12? Do you have any way of extending this?

R. Emmer - Legislative decision. It can only be changed by the legislature.

B. Dodds - Extend the written comment period from 10 to 20 days.

If Lake Pontchartrain is designated a special area of concern, would this layer on top of this special area - how would these two work?

R. Emmer - The special area is done at the State level. It would apply to defining new goals, objectives and policies that would replace those that currently exist in evaluating permits.

Greg DuCote - Thank everybody for coming. Please don't consider this program to be written in stone. It can be changed. People have expressed concern that once the program is done, there will be no review. Periodically the State will review the program, public hearings will be held and comments will be invited. We will take these comments under consideration.

Copy notes

March 8, 1990
1041 Farrington Dr.
Harraco, La. 70012

RECEIVED
MAR 12 1990
COASTAL MANAGEMENT DIVISION

To: All Interested Parties
From: Jay Vincent, Member
Conservation Committee
Orleans Audubon Society

Re: Destruction of Wetlands in St. Tammany Parish, Louisiana

Undoubtedly, all parties having an interest in wetlands preservation issues, particularly those who reside in the southeastern portion of the State of Louisiana, are well aware of the tremendous wetlands losses suffered in the area in question. No end is in sight in regard to man-caused wetlands destruction. St. Tammany Parish ranks among the top two or three parishes in the state in terms of violations of Section 404 of the Clean Water Act of 1972 and the Rivers & Harbors Act of 1899. As far as Executive Order 11988 on Floodplain Management and 11990 on Wetlands, public agencies and officials appear to take the position that these latter have no significance whatsoever.

There is some testimony from local residents that the Corps of Engineers has made some effort to curb wetlands destruction in St. Tammany Parish. These efforts are spotty, at best, and numerous examples can be cited of issuance of Corps permits for unnecessary destruction of wetlands there, including many cases in which wetlands were illegally destroyed without permit, then granted "after-the-fact".

Now the St. Tammany Parish Police Jury is attempting to be certified for a Coastal Zone Management Program which would give the parish more control over allowing destruction of wetlands. The Police Jury has openly stated its desire to destroy wetlands for "development". In an effort to gain a better overview of the magnitude of this problem, I toured a small sector of St. Tammany Parish bordering Interstate Highway 12 on Sunday, March 4, 1990 with a resident of the area. Many of the wetlands involved are of the classic cypress-tupelo-gum variety, or open marsh, but more are those classified by the Louisiana Dept. of Wildlife and Fisheries as pine savannah or a combination of pine savannah and bottomland hardwood wetlands.

The terrain is not all flat, and ranges up to 35 ft. above MSL, but the soil is generally saturated, with many areas of permanent standing water, and cypress trees exhibit prominent "knees", attesting to the soil's saturation. It is our understanding that the Corps of Engineers, the EPA and the State of Louisiana all consider such areas to be true wetlands.

Following is a partial list of some specific problem sites I observed near Mandeville, Louisiana on March 4, 1990:

- 1) Northpark - a commercial industrial park near the intersection of I-12 and Hwy. 190; local residents claim that all of the sewage from this development is emptied into the wetlands bordering the Tchefuncte River; Northpark representatives deny this, saying the waste is directed toward a treatment plant;
- 2) Three Rivers Estates - a subdivision on J Rivers Road along the Tchefuncte River; I observed several houses built on fill directly in wetlands, and a sign advertising swamp lots for sale, Tel. 676-3156;
- 3) Piny Woods - a subdivision on the Pontcharotoway (phonetic spelling) River off J Rivers Road; I observed a sign advertising swamp lots for sale, Letter & Blum, Tel. 381-7419;
- 4) on 12th Street where it meets Hwy. 190, I observed a road pushed into wetlands along the Abita River - no houses yet constructed;
- 5) Depaul Northshore Hospital - the hospital is built in a wetland, and has applied for "after-the-fact" permits;
- 6) Crestwood Subdivision - immediately adjacent to Depaul Hospital; preliminary work, including ditching, dredging, road construction, etc. has taken place on a 21.3 acre site in wetlands; our understanding is that 150 acres are slated to be destroyed, work associated with this subdivision and Depaul Hospital has caused some flooding problems to residences at lower elevations because of changes in the natural drainage pattern of the area;
- 7) on Mite Drive near its intersection with Hwy. 59, I observed a ditch newly dug through wetlands;

8) on Hwy. 59, I observed an extensive dump in wetlands; materials dumped included blocks of concrete, asphalt, tree limbs, assorted trash, and numerous loads of sand and rocks; reportedly, a cease-and-desist order has been issued to a Mr. Spelle; there is no evidence of restoration; in fact, it appears that dumping continues; seven (?) photographs were taken at the site;

9) at Hwy. 59 and Esalis Strain Road, I observed fill and a recycling center, at least partly within wetlands; local residents allege that the effluent from the center is directed to the Pontcharotoway River;

10) on Hwy. 59, Prieto Realty is advertising a 23 acre site on which dredging, filling, and ditching have occurred in wetlands;

11) on Hwy. 59, Jmaco Reed-Hix Concrete has sited a plant and dug a canal at least partly within wetlands;

12) Little Creek - a subdivision on Little Creek Road, near the intersection of Hwy. 59 and I-12; I observed extensive destruction of wetlands via clearing, ditching, filling, and roadbuilding - no houses built yet;

13) Audubon Lake - a subdivision on Sharp Rd. between Hwy. 59 and the Hwy. 190 by-pass; I observed ditching, fill and roadbuilding in wetlands;

14) Rosewood - a subdivision on Sharp Rd.; I observed ditching, fill and roadbuilding in wetlands;

15) Century Oaks - a subdivision; I observed that most of the subdivision is built in wetlands;

16) Greenleaves & The Lakes - two huge subdivisions off Hwy. 72 near Hotsy-Totzy Rd.; I observed that a major portion of both subdivisions, particularly Greenleaves, are built in wetlands;

17) on Heavens Dr. near Hwy. 22, I observed ditching, filling, roads and homes in wetlands; Cypress River - a subdivision on Hwy. 190 Service Rd. near I-12; this subdivision is now abandoned; local residents believe that the Corps of Engineers denied a permit application for this project; the irresponsibility of local authorities is demonstrated by the fact that the road leading into the area has not been either dismantled or blocked, so that now all of the streets built by the developer in and leading into Pontcharotoway River wetlands are used as dumping grounds; the amount of trash, etc. dumped is tremendous.

This is just a sample of the state of affairs in St. Tammany Parish, and, indeed, along the entire Gulf Coast from Texas to the Everglades. I would strongly urge all Parish Coastal Zone Management Program or to write to:

Mr. Greg Ducote, Manager
Local Coastal Programs Section
Coastal Management Division
Dept. of Natural Resources
P. O. Box 44487
Baton Rouge, La. 70804-4487

In either case, ask that St. Tammany Parish not be granted any authority over wetland and let your public officials know that you want destruction of wetlands stopped ever last meeting - Tuesday, March 20, 1990 @ 7:00 P.M. at the City Auditorium in Slidell; 2nd meeting - Wednesday, March 21, 1990 @ 7:00 P.M. in the St. Tammany Parish Adminis Complex, Police Jury Chambers, in Covington.

Yours truly,

Jay Vincent

March 2, 1980
1041 Farrington Drive
Metairie, La. 70071

Comments acknowledged

Mr. Greg Ducote, Manager
Local Coastal Programs Section
Coastal Management Division
Dept. of Natural Resources
P. O. Box 44487
Baton Rouge, La. 70804-4487

Dear Mr. Ducote:

I am writing today on behalf of Orleans Audubon Society and its approximately 1500 members in regard to the Public Notice re: the possible institution of a local coastal management program for St. Tammany Parish. We certainly hope that no such program will be authorized or recognized by either the State of Louisiana or the U. S. Army Corps of Engineers.

It makes absolutely no difference what goals may be stated or data presented in St. Tammany's Coastal Program document. The only thing which does make a difference is the real intent of the Police Jury. These people have stated their intent plainly on many past occasions, and in everyday practice their intent is all too clear - let's destroy wetlands.

St. Tammany Parish ranks somewhere in the top two or three parishes in the State in terms of numbers of violations of State and federal laws which purport to afford protection from destruction to our nation's wetlands. We know of no instance in which Parish officials have decried such violations or made any effort whatsoever to see to it that such violations cease.

St. Tammany Parish does not need a local Coastal Management Program to regulate "development" of wetlands. If the Parish's intention were to protect wetlands, this would have long ago been accomplished by zoning regulations. But the Parish has actually stated its intent to destroy as much of its remaining wetlands as possible, and it certainly seems as if the State of Louisiana and the Corps of Engineers are encouraging Parish officials to remain in such thought mode.

Quite obviously, the only reason the Parish might want a local permitting program is to allow more wetlands destruction to occur that much more quickly. Although only about 1% of Corps wetlands-destructive applications are denied, in some rare cases slight modifications are suggested to partially mitigate the total destruction, and this results in a few applications being either withdrawn or allowed to languish. If local authority is given over similar applications, even the tiny percentage now disallowed will sail through, and there will remain little hope for St. Tammany's wetlands.

It hardly seems necessary to have to re-state the myriad reasons why wetlands must be protected in general, and how St. Tammany's wetlands are of vital importance to the entire Houma-pas-Fouchard-train-Borgne ecosystem, to our local fisheries, to hunting and trapping interests, to migratory waterfowl, etc., etc. In fact, it is normal practice in coastal management documents to list all of the wonderful things wetlands contribute, and then to state "but we want to destroy so-and-so many acres for such-and-such", or worse, to pretend that protection is intended, then simply for the politicians to go about business as usual, destroying as many wetlands as possible.

The entire concept of "wetlands protection" is farcical enough as is. The local coastal management programs are all basically worthless and not needed. We do need wetlands protection which a local program could, but will not afford.

Please include these comments in the permanent written record of the hearings on the St. Tammany Parish Local Coastal Program document.

Thank you.

Yours truly,

Joseph I. Vincent, Member
Conservation Committee
Orleans Audubon Society

VIII. REFERENCES

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Ordinance No. _____

COASTAL ZONE MANAGEMENT REGULATIONS

ST. TAMMANY PARISH, LOUISIANA

SECTION 1: GENERAL PROVISIONS

1.1 Title - This Ordinance shall hereafter be known, and cited as the "St. Tammany Parish Coastal Zone Management Ordinance", (hereinafter referred to as the "Ordinance".)

1.2 Purpose

The principal purpose of this regulation is to provide the authorities and procedures for implementing a unified coastal use permitting process. This regulation is based upon the policies, guidelines and procedures set forth in Act 361 of the Louisiana Legislature, in the Final Environmental Impact Statement of the Louisiana Coastal Resources Program, and the St. Tammany Parish Coastal Zone Management Plan.

This regulation provides procedures for local government determination of what activities require a coastal use permit, whether the activity is a use of state or local concern, and the process for issuance, denial, modification, suspension and/or revocation of coastal use permits and general coastal use permits for uses of local concern in St. Tammany Parish.

SECTION 2: DEFINITIONS

2.1 Usage

- (1) For the purposes of this Ordinance, certain words, terms, numbers, and abbreviations used herein shall be used, interpreted and defined, as set forth in this section.
- (2) Unless specifically defined in this section, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.
- (3) Words used in the present tense include the future tense; words used in the singular number include the plural, and the plural number includes the singular; the word "shall" is always mandatory; and the word "herein" means "in this Ordinance".

2.2 Words and Terms Defined

- (1) "Activity" shall mean and include any and all lawful acts, projects, uses, developments and construction; public or private; industrial, commercial, residential, or recreational; for profit or not for profit. The term includes both the act of doing and the completed product.
- (2) "After-the Fact Permit" shall mean a coastal use permit which is issued after the commencement of a use. Such a permit may only be issued after all legal issues resulting from the commencement of a use without a coastal use permit have been resolved.
- (3) "Alternative access" shall mean methods of gaining access, ingress, and egress, other than by the dredging of canals into the wetlands for drilling, servicing, work over, or any other production of minerals activity.
- (4) "Alternative access vehicle" shall mean any hover craft, helicopter, air cushion vehicle, or any other vehicle which does not require dredging.
- (5) "Applicant" shall mean the owner of the property for which a CUP is requested or his agent; or someone specifically authorized in writing by owner to make application in connection with the proposed purchase, lease or

development of owner's property.

- (6) "Approved Local Program" shall mean a local coastal management program which has been and continues to be approved by the Secretary pursuant to Section 214.28 of the Act.
- (7) "Alterations of Waters Draining in Coastal Waters" shall mean those uses or activities that would alter, change, or introduce polluting substances into runoff and thereby modify the quality of coastal waters. Examples include water control impoundments, upland and water management programs, and drainage projects from urban, agricultural and industrial developments.
- (8) "Best Practical Techniques" shall mean those methods or techniques which would result in the greatest possible minimization of the adverse impacts listed in Guideline 1.7 above, and in specific guidelines applicable to the proposed use. Those methods or techniques shall be the best methods or techniques which are in use in the industry or trade or among practitioners of the use, and which are feasible and practical for utilization.
- (9) "Coastal use permit" or "CUP" shall mean the permits required by R.S. 49:214.30 and shall not mean or refer to, and shall be in addition to, any other permit or approval required or established pursuant to any other constitutional provision or statute.
- (10) "Coastal Water Dependent Uses" shall mean those which must be carried out on, in or adjacent to coastal water areas or wetlands because the use requires access to the water body or wetland or requires the consumption, harvesting or other direct use of coastal resources, or requires the use of coastal water in the manufacturing or transportation of goods. Examples include surface and subsurface mineral extraction, fishing, ports and necessary supporting commercial and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fishery processing plants.
- (11) "Coastal water" shall mean bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years).
- (12) "Coastal Zone" shall mean the coastal waters and adjacent shorelands within the boundaries of the coastal zone established in R.S. 49:214.24, which are strongly influenced by each other, and in proximity of the shorelines and uses of which have a direct and significant impact on coastal waters.
- (13) "Coastal Zone Management Plan" shall mean the goals, objectives and policies set forth in the document prepared by Rod E. Emmer, Ph.D in cooperation with the St. Tammany Parish Department of Development, Gibb Farrish, Director of Planning, entitled "St. Tammany Parish Local Coastal Zone Program, Volume 1, dated July, 1990.
- (14) "Contaminant" shall mean an element causing pollution of the environment that would have detrimental effects on air or water quality or on native floral or faunal species.
- (15) "Cumulative Impacts" shall mean impacts increasing in significance due to the collective effects of a number of activities.
- (16) "Department" shall mean the Department of Natural Resources.
- (17) "Development Levees" shall mean those levees and associated water control structures whose purpose is to allow control of water levels within the area enclosed by the levees to facilitate drainage or development within the leveed areas. Such levee systems also commonly serve for hurricane or flood protection, but are not so defined for purposes of these guidelines.
- (18) "Direct and Significant Impact" shall mean an impact which is a direct and significant modification or alteration in the physical or biological characteristics of coastal waters which results from an action or series of actions caused by man.

- (19) "Endangered Species" shall mean any species which is in danger of extinction throughout all or a significant portion of its range.
- (20) "Environmental Assessment Data Form" shall mean the form prepared and distributed by the St. Tammany Parish Department of Development for the purpose of obtaining environmental information and data.
- (21) "Environmental Management Unit" shall mean an area which is distinguished by certain common physical and cultural characteristics, such as geology, vegetation, drainage patterns, and uses. Each of these EMUs can be considered individually when setting goals, objectives and policies for planning, management, and regulatory functions.
- (22) "Exempted use" shall mean any use specifically listed in this Ordinance as a use not requiring a coastal use permit.
- (23) "Existing" as applied to any use, structure, or development includes the words "existing on the effective date of this Ordinance".
- (24) "Expectable Adverse Conditions" shall mean natural or man-made hazardous conditions which can be expected or predicted to occur at regular intervals. Included are such events as 125 mile per hour hurricanes and associated tides, 100 year floods and reasonably probable accidents.
- (25) "Fastlands" are lands surrounded by publicly-owned, maintained, or otherwise valid existing levees, or natural formations, as of January 1, 1979 or as may be lawfully constructed in the future; which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.
- (26) "Feasible and Practical" shall mean those locations, methods and/or practices which are of established usefulness and efficiency and allow the use or activity to be carried out successfully.
- (27) "Governmental Body" shall mean any public department, agency, bureau, authority, or subdivision of the government of the United States or the State of Louisiana and shall include parishes and municipalities and subdivisions thereof and those governmental agencies constitutionally established.
- (28) "Guidelines" shall mean those rules and regulations adopted pursuant to R.S. 49:214.27, as set forth in Volume 17, Title 43, Part I, Chapters 7 and 8, Sections 701 through 731 inclusive of the Louisiana Administrative Code, as same may be amended from time to time.
- (29) "Habitat" shall mean the natural environment where a plant or animal population lives.
- (30) "Hurricane or Flood Protection Levees" shall mean those levees and associated water control structures whose primary purpose is to prevent occasional surges of flood or storm generated high water. Such levee systems do not include those built to permit drainage or development of enclosed wetland areas.
- (31) "Hydrologic and Sediment Transport Modifications" shall mean those uses and activities intended to change water circulation, direction of flow, velocity, level, or quality or quantity of transported sediment. Examples include locks, water gates, impoundments, jetties, groins, fixed and variable weirs, dams, diversion pipes, siphons, canals, and surface and groundwater withdrawals.
- (32) "Impoundment Levees" shall mean those levees and associated water control structures whose primary purpose is to contain water within the levee system either for the prevention of the release of pollutants, to create fresh water reservoirs, or for management of fish or wildlife resources.
- (33) "Infrastructure" shall mean those systems which provide needed support for human social institutions and developments, including transportation systems, public utilities, water and sewerage systems, communications, educational facilities, health services, law enforcement and emergency preparedness.

- (34) "In-lieu Permit" shall mean those permits issued in-lieu of coastal use permits pursuant to Section 214.31 of the SLCRMA.
- (35) "Interested Person" shall mean the applicant, adjoining property owners as listed on the application submitted for the CUP, Police Jurors of the district and EMU where the property which is the subject of the permit application is located, and any person who identifies himself/herself in writing to the LCP Administrator as a party specifically affected by the proposed activity.
- (36) "Levees" shall mean any use or activity which creates an embankment to control or prevent water movement, to retain water or other material, or to raise a road or other lineal use above normal or flood water levels. Examples include levees, dikes and embankments of any sort.
- (37) "Linear Facilities" shall mean those uses and activities which result in creation of structures or works which are primarily linear in nature. Examples include pipelines, roads, canals, channels, and powerlines.
- (38) "Local Coastal Use Permit" or "LCUP" shall mean the coastal use permit issued by the Parish of St. Tammany for uses of local concern.
- (39) "Local Government" shall mean the St. Tammany Parish Police Jury, or its successor.
- (40) "Local Program": Same as "Approved Local Program."
- (41) "Local Coastal Program Administrator" or LCP Administrator shall mean the professional within the St. Tammany Parish Department of Development who is responsible for the administration of this Ordinance and the Local Coastal Zone Management Plan.
- (42) "Local Coastal Program Advisory Committee" or LCP Advisory Committee shall mean a committee of not more than nine individuals, each of whom shall be appointed by the Police Jury, upon recommendation of the Parish Manager, and who represent users of coastal resources and shall include representation of users concerned with conservation and preservation of renewable coastal resources and users concerned with development of resources for commercial purposes. The LCP Advisory Committee shall assist the LCP Administrator and shall coordinate actions and activities with the Department of Development Director and the LCP Administrator.
- (43) "Marsh" shall mean wetlands subject to frequent inundation in which the dominant vegetation consists of reed, sedges, grasses, cattails, and other low growth.
- (44) "Minerals" shall mean oil, gas sulfur, geothermal, geopressured, salt, or other naturally occurring energy or chemical resources which are produced from below the surface in the coastal zone. Not included are such surface resources as clam or oyster shells, dirt, sand, or gravel.
- (45) "Oil, Gas and Other Mineral Activities" shall mean those uses and activities which are directly involved in the exploration, production, and refining of oil, gas and other minerals. Examples include geophysical surveying, establishment of drill sites and access to them, drilling, on site storage of supplies, products and waste materials, production, refining, and spill cleanup.
- (46) "Particular Areas" shall mean areas within the coastal zone of a parish with an approved local program which have a unique and valuable characteristics requiring special management procedures. Such areas shall be identified, designated, and managed by the local government following procedures consistent with those for special areas.
- (47) "Person" shall mean any individual, partnership, association, trust, corporation, public agency or authority, or state or local government body.
- (48) "Permit" shall mean a coastal use permit, or an in-lieu permit.

- (49) "Permitting body" shall mean either the Department of Natural Resources or the St. Tammany Parish Police Jury, or its successor.
- (50) "Plan" means the coastal vegetated wetlands conservation and restoration plan provided for in R.S. 49:213.6.
- (51) "Program" means the coastal vegetated wetlands conservation and restoration provided for in R.S. 49:214 (Subpart B).
- (52) "Public hearing", wherever required in this Ordinance, shall be a hearing announced to the public at least 30 days in advance, and at which all interested persons shall be afforded a reasonable opportunity to submit data, views, or arguments orally or in writing. At the time of the announcement of the public hearing all materials pertinent to the hearing, including documents, studies, and other data in the possession of the party calling the hearing, shall be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the party which conducted the hearing. Not included in this definition is a hearing on an appeal, which shall be covered by other provisions of this Ordinance.
- (53) "Radioactive Wastes" shall mean wastes containing source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
- (54) "Secretary" shall mean the secretary of the Department of Natural Resources or his designee.
- (55) "Sediment Deposition Systems" shall mean controlled diversions of sediment-laden water in order to initiate land building or sediment nourishment or to minimize undesirable deposition of sediment to navigation channels or habitat areas. Typical activities include diversion channels, jetties, groins or sediment pumps.
- (56) "Shoreline Modifications" shall mean those uses and activities planned or constructed with the intention or directly or indirectly changing or preventing change of a shoreline. Examples include bulkheading, piers, docks, wharves, slips and short canals, and jetties.
- (57) "Significant Public Opposition" shall mean opposition evidenced by a written petition signed by not less than 50 registered voters of St. Tammany Parish and submitted to the LCP Administrator within thirty (30) days after publication of the notice of application
- (58) "SLCRMA": The State and Local Coastal Resources Management Act of 1978, Act 361 of 1978 as amended, R.S.49:214.21 - 214.40.
- (59) "Spoil Deposition" shall mean the deposition of any excavated or dredged material.
- (60) "State Director" shall mean the Director of Coastal Management Division, Louisiana Department of Natural Resources.
- (61) "Subdivision" shall mean a portion or parcel of land that is to be sold, leased or rented, or offered for sale, lease or rent, in small portions or lots, for the purpose of future development for residential or commercial occupancy which portions or lots are, or are to be, identified either by numbers or letters or by metes and bounds; whether or not such portions or lots are in detail delineated on a plan of such subdivision.
- (62) "Surface Alterations" shall mean those uses and activities which change the surface or usability of a land area or water bottom. Examples include fill deposition, land reclamation, beach nourishment, dredging (primarily areal), clearing, draining, surface mining, construction and operation of transporations (sic), mineral, energy and industrial facilities, and industrial, commercial and urban developments.
- (63) "Toxic Substances": Those substances which, by their chemical, biological, or radioactive properties, have the potential to endanger human health or other living organisms or ecosystems, by means of acute or chronic adverse effects, including poisoning, mutagenic, tetragenic, or carcinogenic effect.

- (64) "Uplands": Lands of five feet or more above sea level, fastlands, or all lands outside the coastal zone.
- (65) "Use" shall mean any use or activity within the coastal zone which has a direct and significant impact on coastal waters.
- (66) "Uses of Local Concern" shall mean those uses defined and listed in R.S. 49:214.25A.(2) which directly and significantly affect coastal waters and are in need of coastal management but are not Uses of State Concern and which should be regulated primarily at the local level in accordance with the Ordinance.
- (67) "Waste": Any material for which no use or reuse is intended and which is to be discarded.
- (68) "Waste Disposal" shall mean those uses and activities which involve the collections, storage and discarding or disposing of any solid or liquid material. Examples include littering; landfill; open dumping; incineration; industrial waste treatment facilities; sewerage treatment; storage in pits, ponds or lagoons; ocean dumping and subsurface disposal.
- (69) "Water or Marsh Management Plan" shall mean a systematic development and control plan to improve and increase biological productivity, or to minimize land loss, saltwater intrusion, erosion or other such environmental problems, or to enhance recreation.
- (70) "Wetlands" means an open water area or an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, but specifically excluding fastlands and lands more than five feet above mean sea level which occur within the designated coastal zone of the state. Wetlands generally include swamps, marshes, bogs, and similar areas.

2.3 St. Tammany Parish Coastal Zone - The St. Tammany Parish coastal zone is bounded on the north by Interstate 12 and Interstate 10, on the west by Tangipahoa Parish, on the east by the State of Mississippi; and on the south by Lake Pontchartrain.

2.4 Area Normally Subject to Permitting - In St. Tammany Parish, the entire coastal zone will be subject to coastal use permitting.

2.5 Types of Uses - Uses of the coastal zone subject to the coastal use permitting program shall be of two types:

- (1) Uses of state concern - Those uses, more specifically defined and listed in R.S. 49:214.25A.(1), which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than local significance or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:
 - a. any dredge or fill activity which intersects with more than one water body;
 - b. projects involving use of state-owned lands or water bottoms;
 - c. state publicly-funded projects;
 - d. national interest projects;
 - e. projects occurring in more than one parish;
 - f. all mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith and all other associated uses;
 - g. all pipelines for the gathering, transportation, or transmission of oil, gas, and other minerals;

- h. energy facility siting and development; and
 - i. uses of local concern which may significantly affect interests of regional, state, or national concern.
- (2) Uses of local concern - Those uses, more specifically defined and listed in R.S. 49:214.25A.(2), which directly and significantly affect coastal waters and are in need of coastal management, but are not uses of state concern, and which should be regulated by local government. Uses of local concern shall include, but not be limited to:
- a. privately-funded projects which are not uses of state concern;
 - b. publicly-funded projects which are not uses of state concern;
 - c. maintenance of uses of local concern;
 - d. jetties or breakwaters;
 - e. dredge or fill projects not intersecting more than one water body;
 - f. bulkheads;
 - g. piers;
 - h. camps and cattlewalks;
 - i. maintenance dredging;
 - j. private water control structures of less than \$15,000 in cost; and
 - k. uses on cheniers, salt domes, or similar land forms.

2.6 Activities not requiring a coastal use permit

1. General

- a. The following activities normally do not have direct and significant impacts on coastal waters; hence, a coastal use permit is not required, except as set forth in the following causes:
 - i. Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.
 - ii. Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.
 - iii. Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements.
 - iv. Construction of a residence or camp.
 - v. Construction and modification of navigational aids such as channel markers and anchor buoys.
 - vi. Activities which do not have a direct and significant impact on coastal waters.
- b. Uses and activities within the special area established by R.S. 49:214.29(c) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan shall not require a

coastal use permit.

2. Activities on Lands Five Feet or more Above Sea Level or Within Fastlands.

- a. Activities occurring wholly on lands five feet or more above sea level or within fastlands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use permit for such uses generally need not be applied for. → permit not needed
- b. However, if a proposed activity exempted from permitting in Subparagraph a., above, will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the LCP Administrator or the Secretary and provide such information regarding the proposed activity as may be required by the LCP Administrator or the Secretary in deciding whether the activity is a use subject to a coastal permit.
- c. Should it be found that a particular activity exempted by Subparagraph a., above, may have a direct and significant impact on coastal waters, the LCP Administrator or Department may conduct such investigation as may be appropriate to ascertain the facts and may require the persons conducting such activity to provide appropriate factual information regarding the activity so that a determination may be made as to whether the activity is a use subject to a permit.
- d. The LCP Administrator or the Secretary shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters.
- e. The exemption described in this section shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches and similar isolated, raised land forms in the coastal zone. It does refer to natural ridges and levees.

3. Emergency Uses

- a. Coastal use permits are not required in advance for conducting uses necessary to correct emergency situations
 - i. Emergency situations are those brought about by natural or man-made causes, such as storms, floods, fires, wrecks, explosions, spills, which would result in hazard to life, loss of property, or damage to the environment if immediate corrective action were not taken.
 - ii. This exemption applies only to those corrective actions which are immediately required for the protection of lives, property or the environment necessitated by the emergency situation.
- b. Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the Secretary and the LCP Administrator, and give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit.
- c. As soon as possible after the emergency situation arises, any person who has conducted an emergency use shall report on the emergency use to the LCP Administrator or the Secretary. A determination shall be made as to whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user shall apply for an after-the-fact permit. The removal of any structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or in part.

4. Normal Maintenance and Repair

- a. Normal repairs and the rehabilitation, replacement, or maintenance of existing structures shall not require

a coastal use permit provided that:

- i. the structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement or maintenance; and,
 - ii. the repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work; and,
 - iii. the repair or maintenance does not involve dredge or fill activities; and
 - iv. the repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
- b. This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program.
- c. Coastal use permits will normally authorize periodic maintenance including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditional established for that permit. Where maintenance is performed which is not described in an applicable coastal use permit, it shall conform to this section.

5. Construction of a Residence or Camp

- a. The construction of a residence or a camp shall not require a coastal use permit provided that:
- i. The terms shall refer solely to structures used for non-commercial and non-profit purposes and which are commonly referred to as "single family" and not multiple family dwellings.
 - ii. The terms shall refer solely to the construction of one such structure by or for the owner of the land for the owner's use and not to practices involving the building of more than one such structure as in subdividing, tract development, speculative building, or recreational community development.
- b. The exemption shall apply only to the construction of the structure and appurtenances such as septic fields, out buildings, walkways, gazebos, small wharves, landings, boathouses, private driveways, and similar works, but not to any bulkheading or any dredging or filling activity except for small amounts of fill necessary for the structure itself and for the installation and maintenance of septic or sewerage facilities.

6. Navigational Aids

- a. The construction and modification of navigational aids shall not require a coastal use permit.
- b. The term shall include channel markers, buoys, marker piles, dolphins, piling, pile clusters, etc; provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United States Coast Guard standards and requirements.

7. Agricultural, Forestry and Aquaculture Activities

- a. Agricultural, forestry and aquacultural activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that:
- i. The activity is located on lands or in waters which have been used on an ongoing basis for such

purposes, consistent with normal practices, prior to the effective date of the Act 361 of 1978, January 1, 1979.

- ii. The activity does not require a permit from the U.S. Army Corps of Engineers and meets federal requirements for such exempted activities, and,
 - iii. The activity is not intended to, nor will it result in, changing the agricultural, forestry, or aquacultural use for which the land has been consistently used for in the past to another use.
- b. The exemption includes but is not limited to normal agricultural, forestry and aquacultural activities such as plowing; seeding; grazing; cultivating; insect control; fence building and repair; thinning; harvesting for the production of food, fiber and forest products; maintenance and drainage of existing farm, stock or fish ponds; digging of small drainage ditches; or maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.
8. Blanket Exemption
- a. No use or activity shall require a coastal use permit if:
 - i. The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process, January 1, 1979;
 - ii. The secretary determines that it does not have a direct or significant impact on coastal waters; or
 - iii. The LCP Administrator or the secretary determines one is not required pursuant to Section 725.G of these rules. (L.A.C.43:I.725.G)

SECTION 3: ADMINISTRATION AND ENFORCEMENT

3.1 Designation and Powers of the Local Coastal Program Administrator and Local Coastal Program Advisory Committee

- (1) The St. Tammany Parish Police Jury shall appoint a Local Coastal Program Administrator (LCP Administrator) within the Department of Development and under the Director of the Department of Development.
- (2) The LCP Administrator shall have the following enumerated powers:
 - a. to issue, deny or modify permits for uses of local concern;
 - b. to conduct any investigations he/she deems necessary to comply with the purpose of this Ordinance; and
 - c. to inspect and/or investigate conditions relating to this Ordinance in cooperation with the parish administration.
- (3) It shall be the duty of the LCP Administrator to implement this Ordinance. It shall also be the duty of all officers and employees of the parish to assist the LCP Administrator in the implementation of this Ordinance.
- (4) The Police Jury may appoint a Local Coastal Program Advisory Committee (LCP Advisory Committee) of no more than nine members who represent users of coastal resources and shall include representation of users concerned with conservation and preservation of renewable coastal resources and users concerned with development of resources for commercial purposes.
- (5) The LCP Advisory Committee shall assist the LCP Administrator and shall coordinate actions and activities with the Department of Development Director and the LCP Administrator.

3.2 Coastal Use Permit Requirements - Any person seeking to commence any use not specifically exempted by Section 2, Subsection 2.6 of this Ordinance, within the St. Tammany Parish Coastal Zone must first obtain a Local Coastal Use Permit (LCUP).

3.3 Permit Application Procedure - Application Fees, Reports on Decisions

- (1) All applications shall be made on the form(s) prescribed by the Secretary on hand at the office of the LCP Administrator.
- (2) All applications shall be submitted to the LCP Administrator through the Department of Development or directly to the Louisiana Department of Natural Resources, Coastal Management Division in Baton Rouge. No application will be reviewed until all required supportive information as specified in this Ordinance is attached.
- (3) All applications of local concern shall be accompanied by:
 - a. an application fee of \$50.00 or, if the application is for an after the fact permit, an application fee of \$550.00;
 - b. all information currently required by the Coastal Management Division of the Department of Natural Resources, including, but not limited to, the following:
 - i. Maps showing the actual location, size, and dimensions of the real property to be used;
 - ii. plans showing the exact location, size, and height of the buildings or structures to be developed;
 - iii. a list of all applications, approvals, and/or denials already made concerning the development to/by federal, state, or local agencies;
 - iv. a description of the extent to which any water course or natural drainage will be altered or relocated as a result of the proposed activity; and
 - v. if the development involves dredging, a description of:
 - A. the type, composition and quantity of material to be dredged;
 - B. the method of dredging; and
 - C. the site of the plans for the disposal of the dredged material.
- (4). The Parish shall submit to the State Director and make available to the public an annual written report within 30 days of the close of the calendar year. This report shall contain a list of the number, type (local or state concern), habitat (marsh type, etc.), frequency (number of applications per month), and the decision on all permit applications.

3.4 Permit Procedure - Administrative Action

- (1) When an application for a permit is received, the LCP Administrator shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it.
- (2). All applications shall be submitted to the LCP Administrator through the Department of Development or directly to the State Coastal Management Division in Baton Rouge. No application will be reviewed unless all required supportive information as outlined in this Ordinance is attached.
- (3) Upon receipt of an application by the LCP Administrator, a determination will be made as to whether the application is for a use of local concern or a use of state concern. This determination shall be based on the criteria set forth in the State and Local Coastal Control Resource Management Act (SLCRMA), the state regulations and herein.

The initial determination is made by the LCP Administrator and a brief written explanation of the rationale behind it shall be forwarded to the State Director in Baton Rouge within two (2) working days of receipt of the application. The State Director shall review the determination and rationale and shall let the decision of the LCP Administrator stand or reverse it. If the State Director reverses the determination, special notice shall be given to the LCP Administrator. Either Coastal Management Division, Department of Natural Resources or LCP Administrator, as determined by the State Director shall thereafter be responsible for the permit review process for the proposed use. The State Director's determination is binding unless, and until, reversed by the Secretary of the Department of Natural Resources.

The following factors, as reflected in SLCRMA and the regulations, shall be used in making a determination as to whether a use is of local or state concern.

- a. The specific terms of the uses as classified in SLCRMA;
 - b. The relationship of a proposed use to a particular use classified in SLCRMA;
 - c. If a use is not predominantly classified as either state or local by the SLCRMA or the use overlaps two classifications, it shall be a use of local concern unless it:
 - i. is being carried out with state or federal funds;
 - ii. involves the use or has significant impacts on state or federal lands, water bottoms or works;
 - iii. is mineral or energy production or transportation related;
 - iv. involves the use of, or has significant impacts on barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's jurisdiction;
 - v. will result in major changes in the quantity or quality of water flow and circulation or salinity or sediment transport regimes;
 - vi. has significant interparish or interstate impacts.
- (4) If the proposed activity is determined to be of local concern, the appropriate processing procedure provided by state law and regulation and this Ordinance will be initiated.
- (5) Public notice of all applications for coastal use permits shall be given by:
- a. mailing a brief description of the application, along with a statement indicating where a copy of the application may be inspected, to any person who has filed a request to be notified of such permit application and to all affected governmental bodies;
 - b. by posting or causing to be posted a copy of the application at the location of the proposed site;
 - c. by sending notice of the application to the media in St. Tammany Parish; and
 - d. by causing the publication of notice of the application in the official journal of the parish.
- (6) Public notice of all applications for coastal use permits of local concern will be issued within ten (10) days of filing of the completed application.
- (7) The public notice shall state the nature of the proposed project and the location where such work is proposed. Said public notice shall indicate that all interested parties may make comments and/or suggestions to the LCP

Administrator on said application within thirty (30) days of publication.

- (8) A copy of the application will be sent to any person requesting it upon payment of a reasonable fee to cover costs of copying, handling, and mailing.
- (9) The LCP Administrator shall consider comments received in response to the public notice in his/her subsequent actions on the permit application. Comments received will be made a part of the official file on the application. If comments received relate to matters within the special expertise of another governmental body, the LCP Administrator may seek advice of that agency. If necessary, the applicant will be given the opportunity to furnish his proposed resolution or rebuttal to all objections from government agencies and other substantive adverse comments before a final decision is made on the application.
- (10) The decision to approve, approve with modification, or otherwise conditionally approve, or deny the LCUP shall be made within thirty (30) days after a public notice or within fifteen (15) days after a public hearing, whichever is the later. Permit and consistency decisions will be based upon the enforceable policies of St. Tammany Parish Local Coastal Program and Louisiana State Coastal Resources Program.
- (11) The decision to approve, approve with modification, or otherwise conditionally approve, or deny the LCUP shall be in writing and copies of the decision shall be sent to the applicant and all other interested parties.
- (12) If the final decision is to issue a permit, the LCP Administrator shall forward two copies of the draft permit to the applicant for his signature. By signing the permit the applicant signifies his/her acceptance of the conditions of the permit, as well as the findings on the application. The applicant will return both signed copies to the parish for signature and dating by the LCP Administrator.
- (13) If the final decision is to deny said permit, the LCP Administrator shall send the applicant a statement setting forth the reason(s) for denial.
- (14) The LCP Administrator will issue a monthly list of permits issued or denied during the previous month. This list will be distributed to all persons who requested the public notices.

3.5 Public Hearings on Permit Applications

- (1) A public hearing may be held in connection with the consideration of an application for a new permit and when it is proposed that an existing permit be modified or revoked.
- (2) Any person may request in writing within the comment period specified in the public notice that a public hearing be held to consider material matters at issue in a permit application. Upon receipt of any such request, the LCP Administrator shall determine whether the issues raised are substantial and there is a valid public interest to be served by holding a public hearing.
- (3) Public hearing(s) may be appropriate when there is a legislative request; a request from local governments or other local authorities; or in controversial cases involving significant economic, social, or environmental issues. Except as provided in paragraph 4 hereof, the LCP Administrator has the discretion to require hearings in any particular case. Failure to hold a hearing on an application may not be appealed.
- (4) A public hearing shall be held when 25 registered voters from within the EMU make written requests within the comment period, or if there is significant public opposition to a proposed use. A public hearing shall also be held if the Parish Police Jury directs the LCP Administrator to do so on a proposed use not normally requiring a hearing or when expressly required by this Ordinance.
- (5) If a determination is made, or if it is mandatory to hold a public hearing, the LCP Administrator shall promptly notify the applicant, set a time and place for the hearing, and give public notice.

- (6) Public notice shall be given at least thirty (30) days in advance of any public hearing except that in cases of public necessity a shorter time may be allowed.
- (7) Notice of the public hearing shall be sent to all persons requesting notices of public hearings and published in the official journal of the parish.
- (8) The public hearing shall be conducted by the LCP Administrator before the LCP Advisory Committee in accordance with rules of procedure adopted by the LCP Administrator for the presentation of information and comment. The hearing shall remain open for a period of ten (10) days after the close of the public hearing for submission of written comments or other material. This time period may be extended by the LCP Administrator or Police Jury if additional important information or data are being prepared and will be submitted.
- (9) The LCP Administrator shall make a decision to grant, deny or grant with modifications the LCUP within fifteen (15) days after the public hearing.
- (10) Notification of the decision to grant, deny, or grant with modification the LCUP shall conform to Section 3, subsection 3.4 of this Ordinance.

3.6 Criteria for Coastal Use Permit Approval

I. General Consideration

- A. A Local Coastal Use Permit shall be approved by the LCP Administrator only after a full and fair consideration of all information contained in the record and after consultation with the St. Tammany Parish Planning Commission. The decision will be consistent with the SLCRMA, the regulations, the Guidelines and the Coastal Zone Management Plan; and will represent a balancing of social, environmental and economic factors. The LCP Administrator shall prepare a concise and clear statement describing the rationale for the decision and include one copy in the parish records, send one copy to the State Director, and one copy to the applicant. This document shall be dated and signed by the LCP Administrator.
- B. Activities proposed on or near water bodies shall, to the maximum extent practicable, be water dependent.

II. Guidelines from the SLCRMA

A. Guidelines applicable to all uses

1. The guidelines must be read in their entirety. Any proposed use may be subject to the requirements of more than one guideline or section of guidelines and all applicable guidelines must be complied with. [Guideline 1.1]
2. Conformance with applicable water and air quality laws, standards and regulations, and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements. [Guideline 1.2]
3. The guidelines include both general provisions applicable to all uses and specific provisions applicable to only certain types of uses. The general guidelines apply in all situations. The specific guidelines apply only to the situations they address. Specific and general guidelines should be interpreted to be consistent with each other. In the event there is an inconsistency, the specific should prevail. [Guideline 1.3]
4. These guidelines are not intended to nor shall they be interpreted so as to result in an involuntary acquisition or taking of property. [Guideline 1.4]

5. No use or activity shall be carried out or conducted in such a manner as to constitute a violation of the terms of a grant or donation of any lands or waterbottoms to the State or any subdivision thereof. Revocations of such grants and donations shall be avoided. [Guideline 1.5]
6. Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines. [Guideline 1.6]
 - a. Type, nature and location of use.
 - b. Elevation, soil and water conditions and flood and storm hazard characteristics of the site.
 - c. Techniques and materials used in construction, operation and maintenance of the use.
 - d. Existing drainage patterns and water regimes of surrounding area including flow, circulation, quality quantity and salinity; and impacts on them.
 - e. Availability of feasible alternative sites or methods of implementing the use.
 - f. Designation of the area for certain uses as part of a local program.
 - g. Economic need for the use and extent of impacts of use on economy of locality.
 - h. Extent of resulting public and private benefits.
 - i. Extent of coastal water dependency of the use.
 - j. Existence of necessary infrastructure to support the use and public costs resulting from use.
 - k. Extent of impacts on existing and traditional uses of the area and on future uses for which the area is suited.
 - l. Proximity to and extent of impacts on important natural features such as beaches, barrier islands, tidal passes, wildlife and aquatic habitats, and forest lands.
 - m. The extent to which regional, state and national interests are served including the national interest in resources and the siting of the facilities in coastal zones as identified in the coastal resources program.
 - n. Proximity to, and extent of impacts on, special areas, particular areas, or other areas of particular concern of the state program or local programs.
 - o. Likelihood of, and extent of impacts of, resulting secondary impacts and cumulative impacts.
 - p. Proximity to and extent of impacts on public lands or works, or historic, recreational or cultural resources.
 - q. Extent of impacts on navigation, fishing, public access, and recreational opportunities.
 - r. Extent of compatibility with natural and cultural setting.
 - s. Extent of long term benefits or adverse impacts.

7. Is the policy of coastal resources program to avoid the following adverse impacts. To this end, all uses and activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable significant: [Guideline 1.7]
- a. Reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow.
 - b. Adverse economic impacts on the locality of the use and affected governmental bodies.
 - c. Detrimental discharges of inorganic nutrient compounds into coastal waters.
 - d. Alterations in the natural concentration of oxygen in coastal waters.
 - e. Destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and waterbottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features.
 - f. Adverse disruption of existing social patterns.
 - g. Alterations of the natural temperature regime of coastal waters.
 - h. Detrimental changes in existing salinity regimes.
 - i. Detrimental changes in littoral and sediment transport processes.
 - j. Adverse effects of cumulative impacts.
 - k. Detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging.
 - l. Reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or a wetland forest.
 - m. Discharges of pathogens or toxic substances into coastal waters.
 - n. Adverse alteration or destruction of archeological, historical or other cultural resources.
 - o. Fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas.
 - p. Adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands.
 - q. Adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use or concern.
 - r. Adverse disruptions of coastal wildlife and fishery migratory patterns.
 - s. Land loss, erosion and subsidence.
 - t. Increases in the potential for flood, hurricane and other storm damage, or increases in the likelihood that damage will occur from such hazards.

- u. Reduction in the long term biological productivity of the coastal ecosystem.
8. In those guidelines in which the modifier "maximum extent practicable" is used, the proposed use is in compliance with the guideline if the standard modified by the term is complied with. If the modified standard is not complied with, the use will be in compliance with the guideline if the permitting authority finds, after a systematic consideration of all pertinent information regarding the use, the site and the impacts of the use as set forth in Guideline 1.6 above, and a balancing of their relative significance, that the benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from non-compliance with the modified standard and there are no feasible and practical alternative locations, methods and practices for the use that are in compliance with the modified standard and:
- a. significant public benefits will result from the use, or;
 - b. the use would serve important regional, state or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program, or;
 - c. the use is coastal water dependent.

The systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline. Those conditions shall assure that the use is carried out utilizing those locations, methods and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially and legally feasible and practical; and minimize or offset those adverse impacts listed in guideline 1.7 above and in the subsection [guideline] at issue. [Guideline 1.8]

9. Uses shall to the maximum extent practicable be designed and carried out to permit multiple concurrent uses which are appropriate for the location and to avoid unnecessary conflicts with other uses of the vicinity. [Guideline 1.9]
10. These guidelines are not intended to be, nor shall they be, interpreted to allow expansion of governmental authority beyond that established by La. R.S. 49:213.1 through 213.21, as amended [now 49:214.21 through 214.40]; nor shall these guidelines be interpreted so as to require permits for specific uses legally commenced or established prior to the effective date of the coastal use permit program [January 1, 1979] nor to normal maintenance or repair of such uses. [Guideline 1.10]

B. Guidelines for Levees

- 1. The leveeing of unmodified or biologically productive wetlands shall be avoided to the maximum extent practicable. [Guideline 2.1]
- 2. Levees shall be planned and sited to avoid segmentation of wetlands to the maximum extent practicable. [Guideline 2.2]
- 3. Levees constructed for the purpose of developing or otherwise changing the use of a wetland area shall be avoided to the maximum extent practicable. [Guideline 2.3]
- 4. Hurricane and flood protection levees shall be located at the non-wetland/wetland interface or landward to the maximum extent practicable. [Guideline 2.4]
- 5. Impoundment levees shall only be constructed in wetland areas as part of approved water or marsh management projects or to prevent the release of pollutants. [Guideline 2.5]

6. Hurricane or flood protection levee systems shall be designed, built and thereafter operated and maintained utilizing best practical techniques to minimize disruptions of existing hydrologic patterns, and the interchange of water, beneficial nutrients and aquatic organisms between enclosed wetlands and those outside the levee system. [Guideline 2.6]

C. Guidelines for Linear Facilities

1. Linear use alignments shall be planned to avoid adverse impacts on areas of high biological productivity or irreplaceable resource areas. [Guideline 3.1]
2. Linear facilities involving the use of dredging or filling shall be avoided in wetland and estuarine areas to the maximum extent practicable. [Guideline 3.2]
3. Linear facilities involving dredging shall be of the minimum practical size and length. [Guideline 3.3]
4. To the maximum extent practicable, pipelines shall be installed through the "push ditch" method and the ditch backfilled. [Guideline 3.4]
5. Existing corridors, rights-of-way, canals, and streams shall be utilized to the maximum extent practicable for linear facilities. [Guideline 3.5]
6. Linear facilities and alignments shall be, to the maximum extent practicable, designed and constructed to permit multiple uses consistent with the nature of the facility. [Guideline 3.6]
7. Linear facilities involving dredging shall not traverse or adversely affect any barrier island. [Guideline 3.7]
8. Linear facilities involving dredging shall not traverse beaches, tidal passes, protective reefs or other natural gulf shorelines unless no other alternative exists. If a beach, tidal pass, reef or other natural gulf shoreline must be traversed for a non-navigation canal, they shall be restored at least to their natural condition immediately upon completion of construction. Tidal passes shall not be permanently widened or deepened except when necessary to conduct the use. The best available restoration techniques which improve the traversed area's ability to serve as a shoreline shall be used. [Guideline 3.8]
9. Linear facilities shall be planned, designed, located and built using the best practical techniques to minimize disruption of natural hydrologic and sediment transport patterns, sheet flow and water quality and to minimize adverse impacts on wetlands. [Guideline 3.9]
10. Linear facilities shall be planned, designed, and built using the best techniques to prevent bank slumping and erosion, saltwater intrusion, and to minimize the potential for inland movement of storm-generated surges. Consideration shall be given to the use of locks in navigation canals and channels which connect more saline areas with fresher areas. [Guideline 3.10]
11. All non-navigation canals, channels and ditches which connect more saline areas with fresher areas shall be plugged at all waterway crossings and at intervals between crossings in order to compartmentalize them. The plugs shall be properly maintained. [Guideline 3.11]
12. The multiple use of existing canals, directional drilling and other practical techniques shall be utilized to the maximum extent practicable to minimize the number and size of access canals, to minimize changes of natural systems and to minimize adverse impacts on natural areas and wildlife and fisheries habitat. [Guideline 3.12]

13. All pipelines shall be constructed in accordance with parts 191, 192, and 195 of Title 49 of the Code of Federal Regulations, as amended, and in conformance with the Commissioner of Conservation's Pipeline Safety Rules and Regulations and those safety requirements established by La. R.S. 45:408, whichever would require higher standards. [Guideline 3.13]
14. Areas dredged for linear facilities shall be backfilled or otherwise restored to pre-existing conditions upon cessation of use for navigation purposes to the maximum extent practicable. [Guideline 3.14]
15. The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities. [Guideline 3.15]
16. Confined and dead end canals shall be avoided to the maximum extent practicable. Approved canals must be designed and constructed using best practical techniques to avoid water stagnation and eutrophication. [Guideline 3.16]

D. Guidelines for Dredged Spoil Deposition

1. Spoil shall be deposited utilizing the best practical techniques to avoid disruption of water movement, flow, circulation and quality. [Guideline 4.1]
2. Spoil shall be used beneficially to the maximum extent practicable to improve productivity or create new habitat, reduce or compensate for environmental damage done by dredging activities, or prevent environmental damage. Otherwise, existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas. [Guideline 4.2]
3. Spoil shall not be disposed of in a manner which could result in the impounding or draining of wetlands or the creation of development sites unless the spoil deposition is part of an approved levee or land surface alteration project. [Guideline 4.3]
4. Spoil shall not be disposed of on marsh, known oyster or clam reefs or in areas of submersed vegetation to the maximum extent practicable. [Guideline 4.4]
5. Spoil shall not be disposed of in such a manner as to create a hinderance to navigation or fishing, or hinder timber growth. [Guideline 4.5]
6. Spoil disposal areas shall be designed and constructed and maintained using the best practical techniques to retain the spoil at the site, reduce turbidity, and reduce shoreline erosion when appropriate. [Guideline 4.6]
7. The alienation of state-owned property shall not result from spoil deposition activities without the consent of the Department of Natural Resources. [Guideline 4.7]

E. Guidelines for Shoreline Modification

1. Non-structural methods of shoreline protection shall be utilized to the maximum extent practicable. [Guideline 5.1]
2. Shoreline modification structures shall be designed and built using best practical techniques to minimize adverse environmental impacts. [Guideline 5.2]
3. Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, not interfere with navigation, and should foster fishing, other recreational

opportunities, and public access. [Guideline 5.3]

4. Shoreline modification structures shall be built using best practical materials and techniques to avoid the introduction of pollutants and toxic substances into coastal waters. [Guideline 5.4]
5. Piers and docks and other harbor structures shall be designed and built using best practical techniques to avoid obstruction of water circulation. [Guideline 5.5]
6. Marinas and similar commercial and recreational developments shall to the maximum extent practicable not be located so as to result in adverse impacts on open productive oyster beds, or submersed grass beds. [Guideline 5.6]
7. Neglected or abandoned shoreline modification structures, piers, docks, mooring and other harbor structures shall be removed at the owner's expense, when appropriate. [Guideline 5.7]
8. Shoreline stabilization structures shall not be built for the purpose of creating fill areas for development unless part of an approved surface alteration use. [Guideline 5.8]
9. Jetties, groins, breakwaters and similar structures shall be planned, designed and constructed so as to avoid to the maximum extent practicable downstream land loss and erosion. [Guideline 5.9]

F. Guidelines for Surface Alterations

1. Industrial, commercial, urban, residential and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. Those uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only [Guideline 6.1]:
 - a. on lands five feet or more above sea level or within fast lands; or
 - b. on lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonable endangered; and
 1. the land is already in high intensity of development use, or
 2. there is adequate supporting infrastructure, or
 3. the vicinity has a tradition of use for similar habitation or development.
2. Public and private works projects such as levees, drainage improvements, roads, airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when: [Guideline 6.2]
 - a. they protect or serve those areas suitable for development pursuant to Guideline 6.1.
 - b. they are consistent with the other guidelines; and
 - c. they are consistent with all relevant adopted state, local and regional plans.
3. BLANK (Deleted) [Guideline 6.3]

4. To the maximum extent practicable wetland areas shall not be drained or filled. Any approved drain or fill project shall be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts. [Guideline 6.4]
5. Coastal water dependent uses shall be given special consideration in permitting because of their reduced choice of alternatives. [Guideline 6.5]
6. Areas modified by surface alteration activities shall, to the maximum extent practicable, be revegetated, refilled, cleaned and restored to their predevelopment condition upon termination of the use. [Guideline 6.6]
7. Site clearing shall to the maximum extent practicable be limited to those areas immediately required for physical development. [Guideline 6.7]
8. Surface alterations shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Alterations in wildlife preserves and management areas shall be conducted in strict accord with the requirements of the wildlife management body. [Guideline 6.8]
9. Surface alterations which have high adverse impacts on natural functions shall not occur, to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildfire and aquatic species breeding or spawning areas, or in important migratory routes. [Guideline 6.9]
10. The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable. [Guideline 6.10]
11. Surface mining and shell dredging shall be carried out utilizing the best practical techniques to minimize adverse environmental impacts. [Guideline 6.11]
12. The creation of underwater obstruction which adversely affect fishing or navigation shall be avoided to the maximum extent practicable. [Guideline 6.12]
13. Surface alteration sites and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment and minimize other adverse impacts. [Guideline 6.13]
14. To the maximum extent practicable only material that is free of contaminants and compatible with the environmental setting shall be used as fill. [Guideline 6.14]

G. Guidelines for Hydrologic and Sediment Transports Modifications

1. The controlled diversion of sediment-laden waters to initiate new cycles of marsh building and sediment nourishment shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversion shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source. [Guideline 7.1]
2. Sediment deposition systems may be used to offset land loss, to create or restore wetland areas or enhance building characteristics of a development site. Such systems shall only be utilized as part of an approved plan. Sediment from these systems shall only be discharged in the area that the proposed use is to be accomplished. [Guideline 7.2]
3. Undesirable deposition of sediments in sensitive habitat or navigation areas shall be avoided through the use of the best preventive techniques. [Guideline 7.3]

4. The diversion of freshwater through siphons and controlled conduits and channels, and overland flow to offset saltwater intrusion and to introduce nutrients into wetlands shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversion shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source. [Guideline 7.4]
5. Water or marsh management plans shall result in an overall benefit to the productivity of the area. [Guideline 7.5]
6. Water control structures shall be assessed separately based on their individual merits and impacts and in relation to their overall water or marsh management plan of which they are a part. [Guideline 7.6]
7. Weirs and similar water control structures shall be designed and built using the best practical techniques to prevent "cut arounds," permit tidal exchange in tidal areas, and minimize obstruction of the migration of aquatic organisms. [Guideline 7.7]
8. Impoundments which prevent normal tidal exchange and/or the migration of aquatic organisms shall not be constructed in brackish and saline areas to the maximum extent practicable. [Guideline 7.8]
9. Withdrawal of surface and ground water shall not result in saltwater intrusion or land subsidence to the maximum extent practicable. [Guideline 7.9]

H. Guidelines for disposal of Wastes

1. The location and operation of waste storage, treatment, and disposal facilities shall be avoided in wetlands to the maximum extent practicable, and best practical techniques shall be used to minimize adverse impacts which may result from such use. [Guideline 8.1]
2. The generation, transportation, treatment, storage and disposal of hazardous wastes shall be pursuant to the substantive requirements of the Department of Environmental Quality adopted pursuant to the provisions of R.S. 30:217, et seq, as amended and approved pursuant to the Resource Conservation and Recovery Act of 1976 P. L. 94-580, as amended, and of the Office of Conservation for injection below surface. [Guideline 8.2]
3. Waste facilities located in wetlands shall be designed and built to withstand all expectable adverse conditions without releasing pollutants. [Guideline 8.3]
4. Waste facilities shall be designed and constructed using best practical techniques to prevent leaching, control leaching production, and prevent the movement of leachate away from the facility. [Guideline 8.4]
5. The use of overland flow systems for non-toxic, biodegradable wastes, and the use of sump lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged. [Guideline 8.5]
6. All waste disposal sites shall be marked and, to the maximum extent practicable, all components of waste shall be identified. [Guideline 8.6]
7. Waste facilities in wetlands with identifiable pollution problems that are not feasible and practical to correct shall be closed and either removed or sealed, and shall be properly revegetated using the best practical techniques. [Guideline 8.7]

8. Waste shall be disposed of only at approved disposal sites. [Guideline 8.8]
9. Radioactive wastes shall not be temporarily or permanently disposed of in the coastal zone. [Guideline 8.9]

I. Guidelines for Uses that Result in the Alteration of Waters Draining into Coastal Waters

1. Upland and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, volume, and rate of flow to the maximum extent practicable. [Guideline 9.1]
2. Runoff from developed areas shall to the maximum extent practicable be managed to simulate natural water patterns, quantity, quality and rate of flow. [Guideline 9.2]
3. Runoff and erosion from agricultural lands shall be minimized through the best practical techniques. [Guideline 9.3]

J. Guidelines for Oil, Gas and Other Mineral Activities

1. Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife and other coastal resources. [Guideline 10.1]
2. To the maximum extent practicable, the number of mineral exploration and production sites in wetland areas requiring floatation access shall be held to the minimum number, consistent with good recovery and conservation practices and the need for energy development by directional drilling, multiple use of existing access canals and other practical techniques. [Guideline 10.3]
3. Exploration, production and refining activities shall, to the maximum extent practicable, be located away from critical wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the wildlife management body. [Guideline 10.3]
4. Mineral exploration and production facilities shall be to the maximum extent practicable designed, constructed and maintained in such a manner to maintain natural water flow regimes, avoid blocking surface drainage, and avoid erosion. [Guideline 10.4]
5. Access routes to mineral exploration, production and refining sites shall be designed and aligned so as to avoid adverse impacts on critical wildlife and vegetation areas to the maximum extent practicable. [Guideline 10.5]
6. Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment. [Guideline 10.6]
7. All drilling activities, supplies, and equipment shall be kept on barges, on drilling rigs, within ring levees, or on the well site. [Guideline 10.7]
8. Drilling ring levees shall to the maximum extent practicable be replaced with small production levees or removed entirely. [Guideline 10.8]
9. All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing best practical techniques to withstand all expectable adverse conditions without releasing pollutants. [Guideline 10.9]
10. Mineral exploration, production and refining facilities shall be designed and constructed using best

practical techniques to minimize adverse environmental impacts. [Guideline 10.10]

11. Effective environmental protection and emergency or contingency plans shall be developed and complied with for all mineral operations.
12. The use of dispersant, emulsifiers and other similar chemical agents on oil spills is prohibited without the prior approval of the Coast Guard or Environmental Protection Agency on-Scene Coordinator, in accordance with the National Oil and Hazardous Substance Pollution Contingency Plan. [Guideline 10.11]
13. Mineral Exploration and production sites shall be cleared, revegetated, detoxified and other wise restored as near as practicable to their original condition upon termination of operations to the maximum extent practicable. [Guideline 10.12]

III. St. Tammany Parish Goals, Objectives and Policies

The following goals, objectives, and policies apply to the St. Tammany Parish coastal zone and are intended to encourage long-term plans for the coastal zone.

LCP Objectives, Policies, and Performance standards which directly or indirectly affect Uses of State Concern shall not be construed as being regulatory or binding on either the permit applicant or the Coastal Management Division, Department of Natural Resources, but are for the purpose of submitting the Parish environmental review comments to the State on applications for Uses of State Concern. Local policies which contain prohibitions, restrictions or performance standards beyond the scope of the Coastal Use Guidelines (CUG) shall be considered as advisory by the Parish, the CMD/DNR, and permit applicants (i.e., mandatory policies with "shalls" are modified such that "should" is the operative verb).

Parish comments to CMD/DNR on proposed Uses of State Concern shall be based on the policies of the LCP and may recommend specific project alternatives and conditions. CMD/DNR consideration of Parish recommendations shall be based on the conformance of the recommendation with the CUGs. Recommendations which reflect further detailing of the CUGs as they apply to the Parish shall be given substantial consideration by the CMD/DNR with the objective of maximizing conformances with the approved LCP. Recommendations which are not in conformance with the CUGs shall not be considered by the CMD/DNR.

St. Tammany Parish does not promote or encourage the alteration of wetlands for any reason. At times, projects may be approved if the use is water dependent, no feasible alternative exists, and the ultimate benefits outweigh the environmental impacts. However, simply because a use is water dependent does not in any way mean that it may occur in coastal wetland areas.

Language in the St. Tammany Parish Local Coastal Plan and the accompanying ordinance that suggests that the Parish in any way encourages development in coastal wetlands shall be considered within the scope of the above statement.

- A. **Goal 1:** - To maintain, enhance, and/or restore the overall environmental quality and renewable resource productivity of the parish coastal zone.
1. Objective 1: - To protect water quality
 - a. Policy 1. - Request maximum surveillance and enforcement from state and federal agencies for all water quality standards of the Environmental Protection Agency, Louisiana Department of Environmental Quality, and the Louisiana Department of Health and Hospitals.
 - b. Policy 2. - No hydrocarbons, substances containing hydrocarbons, drilling mud, drilling cuttings, and toxic substances from any land uses shall be allowed to enter waterways and wetlands. Discharge of pathogens or toxic substances into coastal waters shall be prohibited.
 - c. Policy 3. - Discharges of suspended solids that degrade the quality of coastal waters, for example from dredging or erosion from construction sites, shall be minimized by employing techniques that help retain sediment on site. Clearing of vegetation from construction sites shall be in compliance with the parish tree ordinance. Vegetated buffer zones along water courses and turbidity screens shall be required where practicable.
 - d. Policy 4. - Deadend canals or canals that restrict circulation shall be avoided to the maximum extent practicable. Approved canals shall be designed and constructed using the best available techniques (maximizing canal widths, minimizing canal depths,

preventing surface runoff into canals, avoiding deadend designs, etc.) to avoid water stagnation and eutrophication.

- e. Policy 5. - Activities that contribute to the creation of low dissolved oxygen conditions in the coastal zone shall be avoided to the maximum extent practicable.
- f. Policy 6. - The diversion of freshwater into Lake Pontchartrain through siphons, control conduits and canals to introduce freshwater and nutrients into the Pontchartrain estuary shall be encouraged and utilized whenever and wherever they enhance the viability and productivity of the system.
- g. Policy 7. - The location and operation of solid waste storage, treatment, and disposal facilities shall be avoided in the wetlands, and the best practical techniques shall be used to minimize adverse impacts which may result from existing sites.
- h. Policy 8. - The generation, transportation, treatment, storage, and disposal of hazardous wastes shall comply with regulations of the Department of Environmental Quality and the Environmental Protection Agency.
- i. Policy 9. - Sewage facilities shall be designed and constructed to withstand predictable adverse conditions, including hurricane storm surge, without releasing pollutants.
- j. Policy 10. - Sewage facilities and solid waste sites shall be designed and constructed using the best techniques to prevent leaching, to control leachate production, and to prevent the movement of leachate into the surrounding wetlands and water bodies.
- k. Policy 11. - Overland flow systems for non-toxic, biodegradable wastes and the use of swamp lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged and recommended.
- l. Policy 12. - All solid, toxic, and hazardous waste sites shall be marked and, to the maximum extent practicable, all components shall be identified.
- m. Policy 13. - Existing solid waste sites in the coastal zone with identifiable pollution problems that are not feasible and practical to correct, shall be closed and either removed or sealed, and shall be properly revegetated with native species.
- n. Policy 14. - Solid waste generated in the coastal zone shall be collected and transported to approved disposal sites.
- o. Policy 15. - Radioactive waste shall not be temporarily or permanently disposed of in the coastal zone.
- p. Policy 16. - Upland runoff and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, and not significantly modify the volume, rate of flow, or seasonality of discharge to the maximum extent practicable.
- o. Policy 17. - Runoff and erosion from agricultural lands shall be minimized through the best practical techniques, such as vegetated buffers along water courses, contour farming, and the maintenance of a vegetative cover.
- p. Policy 18. - All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing the best practical techniques to withstand predictable

adverse conditions without releasing pollutants.

- q. Policy 19. - The use of dispersants, emulsifiers, and other similar chemical agents on oil spills shall be discouraged and not used without the prior approval of the Coast Guard, the Environmental Protection Agency, and the Louisiana Department of Environmental Quality.
- r. Policy 20. - Mineral exploration and production sites shall be cleared, revegetated, detoxified and otherwise restored as near as practicable to their original condition upon termination of operations.
- s. Policy 21. - The sources of water pollution, such as urban and agricultural runoff, inadequately treated sewage, and industrial waste discharges, shall be identified, the discharges characterized, and methods proposed by federal, state, and local governments for mitigating the problems.
- t. Policy 22. - Sewerage collection systems shall be upgraded and repaired, to prevent pollutants from entering the coastal zone. Sewerage treatment plants shall be upgraded, consolidated, or replaced to meet future parish needs.
- u. Policy 23. - Industrial waste discharged into the storm drainage system shall be reduced to ~~meet~~ limits set by EPA and DEQ. Pre-treatment shall be required for all industries.
- v. Policy 24. - Derelict boats, barges, other watercraft, as well as pilings, docks, piers, and similar facilities shall be removed from the parish waterways before they degrade the water quality, become a hazard to navigation, or pose a threat to the public health, safety, or welfare.

2. Objective 2: - To prevent the degradation of air quality

Maximum surveillance and enforcement of all air quality standards of the Louisiana Department of Environmental Quality and the Environmental Protection Agency shall be requested.

B. Goal 2: - To conserve the integrity of the productive wetland areas.

- 1. Objective 1: - To maintain natural hydraulic systems, or when necessary, manage hydrologic patterns.
 - a. Policy 1. - Impounding of unmodified or productive wetlands shall be avoided to the maximum extent practicable.
 - b. Policy 2. - Levees (hurricane) shall be located at the non-wetland/wetland interface or inland to the maximum extent practicable. They shall be designed, built, operated, and maintained utilizing the best practical techniques to minimize disruptions of the hydrologic patterns, the transport of beneficial nutrients and sediments, and aquatic organisms between enclosed wetlands and those outside the levee system.
 - c. Policy 3. - Access shall be permitted only along existing transportation corridors, rights-of-way, canals, and bayous. Multiple use of existing canals shall be practiced to the maximum extent possible to minimize modification of natural systems and to minimize adverse impacts on wildlife and fisheries habitat.
 - d. Policy 4. - When dredging of existing canals is required, spoil shall be deposited utilizing

the best practical techniques to avoid modification of water movement and the degradation of water quality. Spoil shall be treated as a resource and handled in a manner which results in the creation of wetlands or tidal flats.

- e. Policy 5. - Runoff from developed areas and agricultural fields shall, to the maximum extent practicable, be managed to duplicate natural hydrologic patterns and quality.
 - f. Policy 6. - Mineral exploration and production facilities shall be, to the maximum extent practicable, designed, constructed and operated so that they maintain natural hydrologic regimes, avoid blocking drainage patterns, and not cause erosion of uplands or canal banks.
 - g. Policy 7. - Culverts shall be located where streams, sloughs, and wetlands are crossed by existing roadway embankments, along newly constructed roadways, and canal systems. The maximum spacing between culverts in facilities that cross wetlands shall be 500 feet. The openings of the culverts shall be maintained so as to allow for free exchange of water and aquatic species.
 - h. Policy 8. - Air-cushion vehicles, hovercraft, and helicopters shall be encouraged for the transportation of equipment and personnel throughout wetlands.
 - i. Policy 9. - The smallest possible levees shall be constructed around well sites or production facilities.
2. Objective 2: - To maintain or restore natural salinity levels.
- a. Policy 1. - Unpolluted freshwater tributaries to the wetlands shall be maintained and protected.
 - b. Policy 2. - Withdrawal of surface water and extraction of groundwater shall not cause saltwater intrusion or land subsidence.
 - c. Policy 3. - Non-navigational canals, channels, and ditches which connect more saline conditions with fresher wetlands shall be plugged at waterway crossings and at intervals between crossings in order to maintain water quality. The plugs shall be properly maintained.
 - d. Policy 4. - Existing artificial canals shall be plugged using state-of-the-art techniques upon abandonment of use.
 - e. Policy 5. - When maintenance dredging is required, dredge material shall be used to reduce saltwater intrusion, to fill inactive canals to marsh level, to create wetlands, and mudflats. The spoil shall be treated as a resource.
 - f. Policy 6. - Brines from mineral exploration or extraction shall not be discharged into open water or wetlands.
 - g. Policy 7. - Weirs and water control structures shall be systematically employed when their existence prevents saltwater intrusion or loss of wetlands. They shall be designed and built using the best practical techniques to prevent "cut arounds" while at the same time maintaining tidal exchange and the migration of aquatic organisms. A wetlands management plan shall be developed for the wetlands of the parish.
3. Objective 3: - To enhance or restore wetlands that have deteriorated due to erosion and/or subsidence.

- a. Policy 1. - Stabilizing material, other than concrete bulkheads, that allow for the colonization of vegetation shall be used on areas of severe erosion, such as along canals, rivers, or the Lake Pontchartrain shoreline.
- b. Policy 2. - Dredged material from permitted activities shall be treated as a resource and used to restore deteriorated wetlands where feasible and not to the detriment of a unique feature or community.
- c. Policy 3. - A comprehensive plan shall be prepared that identifies wetlands for restoration. These areas can include abandoned access canals, subsided areas, and degraded wetlands.
- d. Policy 4. - Revegetation of restored areas or newly created land shall be accomplished with native plant materials that are appropriate for the elevation and salinity conditions of the site.
- e. Policy 5. - Shoreline structures shall be designed and built using best practical techniques to minimize adverse environmental impacts. Shoreline hardening structures shall be discouraged to the maximum extent practicable in order to allow for the natural evolution of wetlands.
- f. Policy 6. - Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, shall not interfere with navigation, and, whenever practical, shall be designed for fishing and recreational use by the public.
- g. Policy 7. - To the maximum extent practicable all allowed uses and activities shall be planned, sited, designed, constructed, operated, and maintained to avoid:
 - i. Destruction or adverse alterations of streams, wetlands, tidal passes, inshore waters and waterbottoms, beaches, and other natural biologically valuable areas or protective coastal features.
 - ii. Detrimental changes in existing salinity regimes.
 - iii. Adverse modification of littoral processes.
 - iv. Reductions or blockage of water flow or natural circulation patterns within or into estuarine habitats.
 - v. Land loss by erosion and/or subsidence.
- h. Policy 8. - The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities, such as canals.
- i. Policy 9. - Existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas in the wetlands.
- j. Policy 10. - Spoil disposal areas shall be designed, constructed, and maintained using the best practical techniques to retain the spoil on site, reduce turbidity in adjacent areas, and retard shoreline erosion. Spoil shall be used as a resource (to the maximum extent practicable) to improve productivity or create new habitat, to reduce or compensate for environmental damage done by the dredging activity, and to prevent other environmental damages.

- k. Policy 11. - Sediment may be used to offset land loss, to create or restore wetlands, or as foundation material outside of wetlands. Such systems shall only be utilized as part of a federal, state, and locally approved plan.
4. Objective 4: - To maintain or improve wetlands quality.
- a. Policy 1. - Oil and gas activities shall utilize existing linear facilities and employ directional drilling from these facilities to the maximum extent practicable.
 - b. Policy 2. - Turbidity screens shall be required during dredging operations.
- C. **Goal 3:** - To encourage only water dependent uses of the coastal zone to the extent consistent with federal and state programs and regulations.
1. Objective 1: - Non-water dependent uses shall be discouraged from being located on or near the water or wetlands, to the maximum extent practicable. Proposed uses require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose, i.e., they are water-dependent.
- a. Policy 1. - Plans shall limit the alteration of wetlands by restricting to the maximum extent practicable development activities to those activities that are intrinsically associated with coastal waters.
 - b. Policy 2. - Plans shall minimize the need for federal and state relief efforts resulting from floods by considering surge heights, shoreline erosion, foundation conditions, and productivity of the area in the early stages of project development.
 - c. Policy 3. - Projects shall minimize damage to public facilities and utilities such as water and gas lines, electric, telephone and sewer systems, and streets or bridges located in high flood hazard zones.
 - d. Policy 4. - Plans shall minimize the placement of infrastructure that encourages uses in the coastal zone that are not water dependent.
 - e. Policy 5. - Developers shall insure that those who occupy areas of special hazards are aware of the consequences of their actions.
 - f. Policy 6. - Plans shall restrict uses in high flood hazard areas that jeopardize public health, safety, and property, or that result in increased erosion, flood heights, or velocities.
 - g. Policy 7. - Structures shall be floodproofed and elevated over the 100 year flood level at the time of construction.
 - h. Policy 8. - Alterations in natural floodplains, and particularly in the floodway, shall be prohibited to the maximum extent practicable to protect against loss of life and property from flooding.
 - i. Policy 9. - Critique emergency evacuation plans for developments that expose concentrations of people to flooding or storm surge.
 - j. Policy 10. - Once every five years or after every catastrophic event (declared emergency) review the evacuation plan and require revisions as needed.

- k. Policy 11. - Insure local compliance with federal Executive Orders 11988 and 11990.
 - 2. Objective 2: - To direct more intense development to higher grounds.
 - a. Policy 1. - Pursue federal, state, and local sources for funding of parish comprehensive plans.
 - b. Policy 2. - Encourage only those activities that require access or proximity to or siting within the special aquatic site to fulfill its basic purpose.
 - c. 3. - Incorporate design features into projects that enhance their aesthetic appeal and economic value to the developer and the parish.
 - d. Policy 4. - Encourage the use of design features to protect the environmental quality and integrity of the coastal waters and wetlands.
 - e. Policy 5. - Encourage practices that limit downstream adverse impacts resulting from upland development.
 - 3. Objective 3: - To restrict nonwater-dependent uses to such areas as spoil banks, the Pleistocene surface, existing fastlands, and severely altered areas, such as along existing transportation corridors.
- D. Goal 4: - To enhance opportunities for recreational use of the coastal zone.
- 1. Objective 1: - To make provisions for access to proposed and existing public recreation areas.
 - a. Policy 1. - Develop funding sources for land acquisition, facilities, operations and long-term maintenance. A program setting priorities for these actions and similar multiuse activities shall be developed and implemented.
 - 2. Objective 2: - Protect unique wetlands for recreational uses that require a natural setting.
 - a. Policy 1. - Acquisition of highly productive areas as national wildlife refuges, state wildlife management areas, or parish special areas shall be encouraged.
 - b. Policy 2. - Educational material shall be supplied to the general public describing the coastal environment and the need for responsible stewardship.
- E. Goal 5: - To minimize adverse effects of industry, subdivisions, or transportation systems on environmental quality.
- 1. Objective 1: - To encourage nonwater dependent urban and industrial development only in areas which are suitable.
 - a. Policy 1. - Encourage development:
 - i. On lands five feet or more above sea level or within existing fastlands.
 - ii. On lands with foundation conditions suitable for that use.
 - iii. On lands where flood and storm hazards are minimal, and where the public safety would not be unreasonably endangered.

- iv. On lands where development exists and there is adequate supporting infrastructure.
 - v. In areas approved for development by the St. Tammany Parish Planning Commission.
 - b. Policy 2. - Projects, such as levees, drainage improvements, roads, airports, ports, and public utilities, which are necessary to protect and support needed development shall be encouraged so long as they meet or exceed the following criteria to the maximum extent practicable.
 - i. They protect or serve only those areas suitable for development with minimal adverse impact to other coastal areas.
 - ii. They are consistent with the Coastal Use Guidelines.
 - iii. They are consistent with adopted state, local, and regional land use plans and environmental regulations.
2. Objective 2: - Only minimal disruption of the natural physical state of the land shall occur during the construction and occupancy of any development.
- a. Policy 1. - Site clearing shall be limited to those areas required for the project.
 - b. Policy 2. - Areas modified by surface alteration activities shall be revegetated, refilled, cleaned and restored to their predevelopment condition when the use is abandoned. Revegetation shall occur immediately after the use is abandoned.
 - c. Policy 3. - Provisions shall be made to retard sediment runoff from reaching and adversely impacting water bodies to the maximum extent practicable by using construction best management practices.
 - d. Policy 4. - Impervious surfaces shall be minimized to the maximum extent practicable.
 - e. Policy 5. - Septic systems shall be located the maximum distance from water bodies, valuable habitat or wetlands, and be regularly maintained in compliance with federal, state, or local regulations.
 - f. Policy 6. - Construction activities near fragile habitats especially spawning or nursery areas shall be discouraged during the spawning season to the maximum extent practicable.
 - e. Policy 7. - Environmentally acceptable alternative systems shall be constructed in areas where soils or water conditions are not suitable for septic systems.
3. Objective 3: - Any permitted development which occurs within or adjacent to a sensitive habitat shall be designed, constructed, and operated in a manner which will allow minimal adverse impacts on the wetlands.
- a. Policy 1. - Any permitted development which could cause adverse impacts must complete the St. Tammany Parish environmental assessment form before construction proceeds.

- b. Policy 2. - When a development is proposed which causes unavoidable detrimental impacts, mitigation shall be required as determined by the Planning Commission and in coordination with the Secretary of DNR and CMD. If replacement is appropriate it shall be equal to or greater than the habitat values lost and shall be in St. Tammany Parish. The LCP Administrator shall monitor the project so that it is completed and operated as proposed.
 - c. Policy 3. - Surface alterations and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances and to minimize other adverse impacts.
 - d. Policy 4. - Ingress and egress to and from necessary wetland habitats for marine organisms shall be maintained to the maximum extent practicable.
4. Objective 4: - To maintain a balance between development impacts and natural integrity of the environment.
- a. Policy 1. - At least one-quarter mile of buffer zone shall be maintained between nonwater dependent industrial developments and productive wetlands.
 - b. Policy 2. - Forested wetlands within urban settings shall be set aside for recreational parks or park-like developments to the maximum extent practicable. If these areas must be developed, at least 50% of the existing vegetation greater than 8" in diameter shall be maintained.

F. **Goal 6:** - To preserve and enhance existing agricultural lands.

1. Objective 1: - To develop a comprehensive agricultural plan.
- a. Policy 1. - Inventory existing agricultural lands and prioritize those lands that shall be preserved.
 - b. Policy 2. - An agricultural preservation ordinances which will be consistent with the concept of protecting the values of the coastal zone shall be developed.
 - c. Policy 3. - Agricultural practices which increase productivity, conserve valuable soils and nutrients, reduce pesticide application and do not adversely impact coastal water quality shall be encouraged.
 - d. Policy 4. - New agricultural activities shall be discouraged in the coastal wetlands.
 - e. Policy 5. - Develop and implement agricultural best management practices (e.g. conservation tillage, buffers, etc.) to the maximum extent practicable in the coastal zone.
2. Objective 2: - To protect and enhance potable water reserves.
- a. Policy 1. - A study shall be undertaken which inventories existing wells, calculates the current withdrawal rate, and recommends alternate sources for agricultural and industrial users.
 - b. Policy 2. - Groundwater withdrawal shall be regulated for conservation

purposes. Aquifer recharge, if feasible, shall be encouraged.

- c. Policy 3. - Industrial and agricultural usage of groundwater shall be inventoried and withdrawals and discharges regulated to prevent waste. A monitoring program shall be established to detect migration of pesticides and fertilizers into the groundwater.
- d. Policy 4. - Sanitary and/or hazardous waste dumps shall be monitored and regulated for possible pollution of the groundwater.

G. Goal 7: - To protect renewable resources within the Parish.

1. Objective 1: - To protect and enhance commercial and recreational fisheries, waterfowl, and fur-bearers.

- a. Policy 1. - Water management practices prior to implementation of a project, shall be assessed to determine their effects upon the commercial and recreational fisheries, waterfowl, and fur-bearers.
- b. Policy 2. - Water management practices whenever practical shall establish new nursery grounds, provide ponds for sport fishing, and enhance the production of commercial and recreational fisheries.
- c. Policy 3. - Wetlands vegetation that serves as a food source for fur-bearers, waterfowl, and fisheries shall be protected and enhanced by reestablishing selected plants, water management practices, and conservation techniques.

2. Objective 2: - To protect and enhance critical habitats.

- a. Policy 1. - Any uses which will have adverse impacts shall be prohibited within a one-mile radius of known eagle nests and within a one-half mile of known critical wildlife habitat.

3. Objective 3: - To encourage silvaculture practices that protect forested wetlands.

- a. Policy 1. - A wetlands forestry conservation program shall be developed.
- b. Policy 2. - Professionally trained foresters shall be used when developing site plans.
- c. Policy 3. - Existing cypress/tupelo gum stands shall be protected from saltwater intrusion.

H. Goal 8: - To minimize effects of mining non-renewable resources within the parish.

1. Objective 1: - To minimize detrimental impacts of oil and gas exploration.

- a. Policy 1. - Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife, and other renewable resources:
 - i. Pre-extraction activities shall be performed during the season of minimum waterfowl or wildlife activity.

- ii. Shotholes drilled during seismic reconnaissance shall be filled to not cause drainage problems.
 - iii. Vibrating equipment shall be used for seismic activities and in areas of wildlife and waterfowl concentrations.
 - iv. Seismic activities shall not be allowed in critical wildlife nesting and feeding areas.
 - v. Travel by foot or helicopter is recommended to minimize physical damage to the wetlands system.
 - vi. Use of existing roadways; minimize the total number of trips; travel over naturally high areas rather than depressions and greatly limit marsh vehicles from crossing unprotected levees are recommended.
 - vii. The number of vehicle trips along the same route shall be reduced to the minimum necessary depending on conditions; for example, retracing vehicular tracks shall be avoided.
 - viii. Use of balloon-tired vehicles is recommended as being preferable to tracked vehicles.
 - ix. Conducting surveys in dry seasons to avoid wildlife and waterfowl concentrations and is recommended.
 - x. Seismic lines shall avoid small water bodies that serve as nesting and feeding areas for wildlife and waterfowl.
- b. Policy 2. - Use of airboats on marsh vegetation is preferred to the use of marsh buggies and is recommended.
 - c. Policy 3. - Exploration and production shall, to the maximum extent practicable, be located away from critical wildlife areas and wetlands. Mineral operations in wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the relevant wildlife management agency.
2. Objective 2: - To minimize adverse impacts from oil and gas extraction and production.
- a. Policy 1. - To the maximum extent practicable, mineral exploration and production facilities shall be designed and constructed to maintain natural hydrologic regimes, avoid blocking overland flow, and not contribute to erosion of banks or beaches.
 - b. Policy 2. - To the maximum extent practicable, access routes to mineral exploration and production sites shall be designed to avoid adverse impacts on critical wildlife and vegetation areas.
 - i. Roads shall avoid critical wildlife areas and wetlands; culverts and bridges shall be installed to maintain water flow; alignments shall be parallel to water flow.
 - ii. Affected areas shall be of minimal size by keeping materials, vehicles, and activities within the right-of-way.

- iii. Directional drilling shall be considered when planning a project.
 - iv. Borrow pits shall be offset to prevent formation of long continuous ditches.
 - v. Cloth or vegetation mats shall be used on levees to help prevent erosion and accelerate revegetation.
 - vi. Engineering practices and alignments can reduce impacts on some land uses; a thorough investigation shall identify possible techniques.
 - vii. Vehicles shall be restricted to the rights-of-way; marsh vehicles shall not cross unprotected levees.
 - viii. Canals shall be designed to prevent water stagnation; they shall be short and straight, while avoiding natural creeks and swales.
 - ix. Spoil disposal sites and techniques other than levees or mounds shall be carefully considered. These include retaining structures, turbidity control, and broadcasting spoil.
 - x. When water courses are crossed, plugs and bulkhead shall be installed. Plug widths from 6 to 100 ft across the bottom are appropriate, depending on soil composition and land uses. Plug height shall take into account subsidence and shrinkage. Some spoil plugs shall be heavily reinforced to withstand cows or alligators or because of poor-quality construction materials.
 - xi. Berms, the distance between the canal edge and spoil base, are recommended to range from 15 to 50 ft, depending on reinforcement structures, channel size, boat traffic, etc.
 - xii. Vehicular traffic on the marsh shall be minimized, and speed limits kept low to reduce erosion.
- c. Policy 3. - Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment. For example, drilling activities, supplies, and equipment shall be kept on barges, rigs, within ring levees or removed entirely.
 - d. Policy 4. - After completion of drilling activities, well sites and ring levees shall be reduced to the minimum size necessary for production purposes and the site shall be restored to pre-project conditions when production is completed or a dry hole is drilled.
 - e. Policy 5. - All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing the best practical techniques to withstand all expectable adverse conditions, such as hurricanes or exceptionally high tides, without releasing pollutants.
 - f. Policy 6. - Well site construction shall comply with the following:
 - i. Locate facilities to avoid critical wildlife areas and wetlands; evaluate

directional drilling at all times to avoid disruption of surface drainage and wetlands destruction; and incorporate adequate erosion control measures.

- ii. Areas affected shall be minimized by limiting equipment and activities to the easement. Use the smallest area possible.
 - iii. Spoil deposition and borrow pit shall be oriented to have minimal impact and shall be as small as possible;
 - iv. Prefabricated containers shall be used to eliminate the excavation of mud pits and minimize the size of well sites.
 - v. Vegetation shall be removed prior to construction of ring levee to help prevent seepage at the base of the levee.
 - vi. Replanting fresh spoil helps prevent erosion and is encouraged. Recently removed vegetation is a convenient source of plant material.
 - vii. Toxic or noxious substances shall not be released into the environment.
 - viii. Noise levels shall be kept to a minimum in order not to adversely impact adjacent land uses.
- g. Policy 7. - Effective environmental protection and emergency or contingency plans shall be developed and complied with on all mineral operations.
- h. Policy 8. - Drilling activities shall practice the following:
- i. Supplies, drilling mud, cuttings, and waste shall be stored in impervious containers or lined pits. Harmful waste shall be transported to approved sites for disposal.
 - ii. Pollutants shall not be released into the environment. Oils can be skimmed from wash water and sump water; worn, faulty, or leaking equipment can be replaced.
 - iii. When appropriate, drilling activities shall take place during the season of minimum waterfowl and wildlife activity.
 - iv. Activities, supplies and equipment shall be kept on barges to reduce adverse impacts; good work habits and proper supervision shall be used to avoid careless work practices that result in materials entering the water.
 - v. Booms shall be strategically placed to control flotsam.
 - vi. Boat traffic and speed shall be kept to a minimum, thereby reducing turbidity and erosion.
- i. Policy 9. - Production facilities and activities shall incorporate the following concepts into their operations:
- i. The facility shall be located in the least ecologically sensitive area or

within previously disturbed areas.

- ii. Surface drainage shall not be blocked and adequate erosion-control measures shall be part of the site plan.
 - iii. The overall size of the site can be minimized by developing a plan that makes efficient use of space.
 - iv. Petroleum waste (scrapings of paraffin and tar) shall be properly stored and discarded.
 - v. Saltwater brine shall be handled according to state regulations and also not discharged into unaltered areas.
 - vi. When a project is complete the ring levees shall be breached or removed, if appropriate.
 - vii. When levees remain revegetation and erosion-control techniques may be very beneficial as part of a maintenance program and shall be seriously evaluated.
 - viii. The placement of facilities on pilings shall be considered preferable to putting them on fill.
- j. Policy 10. - Pipeline installation crossing the coastal zone shall be done so that it:
- i. If necessary, only temporarily blocks surface drainages during installation.
 - ii. Locates the right-of-way in the least productive and sensitive ecological systems;
 - iii. Restricts equipment and activities to the right-of-way.
 - iv. Rapidly restores sites to minimize erosion and accelerate use by wildlife. Vegetation can be planted to favor preferred species. Only approved herbicides shall be used for vegetation control, and then only when mowing or bushhogging is not practical.
 - v. "Double-ditching," i.e., the topsoil and vegetation are removed first and replaced last, shall be used wherever practicable.
 - vi. Flowlines shall be adequately supported when crossing water bodies, and burial shall begin well behind the canal or waterway edge.
 - vii. Large pipelines shall be placed in a "pipeline corridor" to minimize total area disturbed; light-impact excavation equipment shall be used.
 - viii. The push ditch technique of pipeline construction disturbs much less area than the flotation method and shall be utilized to the maximum extent practicable. Any pipeline ditch shall be backfilled as soon as possible.

- ix. Plugs shall be placed at intersections with waterways. In addition, they shall be placed every 1,250 to 1,500 feet across long, straight pipeline canals to retard water movement.
- x. Plugs and riprap shall be designed and maintained to withstand all abuse (wave attack, burrows, etc) for the duration of the pipeline. The width of plugs may range from 6 ft to 100 ft across the bottom, depending on soil composition and land use.
- k. Policy 11. - In relation to spills of hazardous materials, hydrocarbons, or other industry related materials, the following shall apply:
 - i. A contingency plan shall be filed with the parish.
 - ii. Immediate action shall be taken to contain materials and prevent their entrance into open waterways.
 - iii. Low-impact, clean-up techniques shall be used. Use of dispersants, emulsifiers, and other chemical agents shall be avoided, if at all possible.
 - iv. Mechanical devices, such as gas-operated air horns, may be requested to discourage use of the area by wildlife and waterfowl.
 - v. Immediate site restoration is important to return the impacted area to its use by wildlife and waterfowl. Restoration practices include seeding or planting of selected species.
 - vi. Low-impact vehicles, such as skiffs, boats, and airboats, shall be used. Alteration of land surfaces is more persistent (perhaps irreversible) and may be more detrimental than the effects of the spill.
- l. Policy 12. - Exploration and production sites shall be cleared, revegetated, detoxified, and otherwise restored as near as practicable, to their original condition upon cessation of operations. Some practices include:
 - i. Monitoring of the existing sites that contain buried drilling mud and other waste when used for new drilling.
 - ii. Re-contouring, blocking or opening of drainageways, and replacement of soils.
 - iii. Construction of nesting and feeding areas or ponds and the diversification of habitat to encourage use by wildlife.
 - iv. Removal of concrete or other impervious surfaces.
 - v. Backfilling of borrow areas when necessary.
 - vi. Revegetation of exposed soil to accelerate restoration and reduce erosion.

vii. Control of turbidity.

- I. **Goal 9:** - To minimize detrimental effects of coastal water dependent uses on wetland areas.
1. Objective 1: - All policies set forth under the parish-wide goal to minimize detrimental effects of oil and gas exploration and extraction shall be adhered to.
 2. Objective 2: - To control recreational activities and encourage them only in appropriate areas.
 - a. Policy 1. - Sanitary codes related to sewage and solid waste disposal and litter ordinances shall be strictly enforced on all activities in the coastal zone.
 - b. Policy 2. - The intentional discharge of petroleum products from boating activities shall be prohibited and stringently enforced.
 - c. Policy 3. - Pump-out facilities shall be provided at all marinas and harbors.
 3. Objective 3: - Hunting and trapping activities shall be permitted only in designated areas and shall comply with federal and state regulations.

IV. Special considerations

- A. **INDUSTRIAL** - All industrial uses as defined in the St. Tammany Parish Land Use Ordinance No. 523 which are proposed for location within the permit area are required to obtain a coastal use permit before any site alteration can take place.
1. The applicant or his designated agent will be required to present plans and specifications describing the proposed development, including the completed Environmental Assessment Data Form at the time of application submission.
 2. The applicant will also furnish a drainage plan denoting the site and surrounding topography and drainage pattern.
 3. The applicant will furnish a plan which explains how the solid and liquid wastes are to be collected and disposed of.
 4. The applicant will furnish supportive data to explain the vehicular or rail traffic increase to be realized, if any.
 5. All coastal use applications for industrial activities which are uses of local concern will require a public hearing.
- B. **COMMERCIAL** - All commercial uses as defined in the St. Tammany Parish Land Use Ordinance No. 523 which are proposed for location within the permit area are required to obtain a coastal use permit before any site alteration can take place. The applicant for any such proposed commercial use will supply the following to be included with the application form.
1. A completed Environmental Assessment Data Form and an appropriate site plan and vicinity map.

2. An explanation or analysis of the proposed level of activity anticipated for the commercial activity with regard to vehicular and/or watercraft traffic and noise levels.
 3. An explanation as to the method to be used to dispose of all solid and liquid wastes.
- C. SHORELINE AND WATER CONTROL STRUCTURES - Structures which alter water circulation and/or modification of associated shorelines will require a coastal use permit. The following types of uses will be permitted under uses of local concern and processed by the Local Coastal Program Administrator. A public hearing shall only be required if any dredging is to take place.
1. Jetties, breakwaters, and private water control structures of under \$15,000 in cost which include weirs, boat slips, private canals, artificial sloughs, etc. - The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant shall provide a cost breakdown of the intended work which meets the satisfaction of the LCP Administrator.
 2. Piers - All piers that require the laying of supportive pilings in and along water bodies will require a coastal use permit if said pier extends from the shoreline in excess of five (5') feet and contains more than six (6) pilings or if it will have a direct and significant impact on coastal waters. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant shall provide photographs and a description of the vegetation at the site of construction and a completed Environmental Assessment Data Form.
 3. Bulkheads - All bulkheads proposed along shorelines that are to be constructed beyond five (5') feet from the shoreline or that will have a direct and significant impact on coastal waters will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant will provide photographs and a description of the vegetation at the site of construction and a completed Environmental Assessment Data Form.
 4. Dredge or fill projects - Any maintenance or development activities occurring within the coastal zone or which require dredge or fill of waterways or wetlands will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant will provide photographs and a description of the vegetation at the site of construction and a completed Environmental Assessment Data Form.
- D. RESIDENTIAL DEVELOPMENT - All new subdivisions and reactivation of dormant subdivisions as defined under St. Tammany Parish Subdivision Ordinance No. 499 will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant must provide a completed Environmental Assessment Data Form, explain the traffic movements associated with the development, and describe the method to be used for disposal of all solid, liquid and sanitary wastes.
- E. ENVIRONMENTAL MANAGEMENT UNIT - Upon acceptance of the application, the LCP Administrator will determine if the property affected by the LCUP is located within an Environmental Management Unit. There are four (4) geographical segments of the parish which have been delineated as EMUs. The four EMUs are depicted in the official Parish of St. Tammany Coastal Zone Management map included in the

back insert of this Ordinance's appendix. The four EMUs are as follows:

1. Marsh-swamp EMU*, southwest corner of the parish (PMSA** EMU 10)

West - Tangipahoa Parish

North - I-12

East - N. Causeway Boulevard, from I-12 to Lake Shoreline

South - Lake Pontchartrain shoreline

* EXCLUDES Floodplain EMU, the Tchefuncte River

** Pontchartrain Maurepas special Area

a. **Goals for Marsh-swamp EMU (PMSA EMU 10)**

- 1) Protect and conserve the environmental quality of the EMU.
- 2) Protect the wetlands from further degradation and/or destruction.
- 3) Reduce shoreline erosion while not adversely affecting adjacent shorelines or wetlands.
- 4) Preserve the integrity of the wetlands.
- 5) Protect the water quality of the EMU and work toward improving those areas where degradation has already taken place.
- 6) For activities resulting in unavoidable impacts to wetlands, or other permitted dredge and fill activities, impose mitigation conditions so that spoil is used to create new wetlands or retard shoreline erosion.
- 7) Encourage development in those areas where soil conditions are suitable and there is a minimal threat of flooding, and discourage development in areas with unsuitable soils, or areas subject to coastal flooding to the maximum extent practicable.
- 8) Encourage comprehensive wetlands planning and management for all wetlands.
- 9) Protect the cultural resources within the EMU from destruction or unauthorized excavation.
- 10) Encourage landowners to become more involved in protecting the wetlands and retarding wetlands loss and shoreline erosion.
- 11) Encourage property owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.

b. Policies for Marsh-swamp EMU (PMSA EMU 10)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Permits issued for activities that require dredge and fill or maintenance shall

make positive use of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish or shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.

- 3) Existing transportation corridors (roads, pipeline rights-of-way, waterways) shall be used to the maximum extent practicable when accessing or traversing the lake shoreline or the wetlands.
- 4) Development shall be encouraged on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.
- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Shoreline vegetation along lakes, canals, or natural water courses shall be protected, and where feasible restored, created, or enhanced to retard erosion and enhance water quality.
- 8) Flood protection levees shall be encouraged on the exposed Pleistocene uplands and designed so that they will not adversely affect the migration of valuable wetlands species due to potential sea level rise. They shall not encroach onto the Recent surface.
- 9) Mitigation for any coastal uses within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.
- 10) Comprehensive wetlands conservation plans shall be prepared for selected wetlands, such as the area south of La. Hwy. 22 between the Tchefuncte River and Lewisburg and the area between La. Hwy. 1077 and the drainage districts to the west.
- 11) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavations.
- 12) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 13) Surface alterations shall be designed so they do not degrade the ground or surface water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of imperious surfaces, and incorporate urban construction, agriculture, and silvaculture, best management practices (including sediment and erosion control, stormwater

management and septic system installation and operation) to the maximum extent practicable.

- 14) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 15) Revegetation of disturbed areas shall use native species and rely on the parish tree ordinance for guidance.
- 16) The LCP Administrator shall work with landowners to investigate the practicality and feasibility of initiating a wetlands conservation program for their holdings. The parish shall investigate possible funding mechanisms, such as tax incentives or impact fees, for assisting landowners in initiating and maintaining a federal and state permitted wetlands management plan.
- 17) Dams, plugs, and spoil banks constructed as a result of the local or state coastal programs shall be maintained by the individual or company responsible for the dredging.
- 18) Vegetation, or other innovative techniques shall be used to the maximum extent practicable to stabilize eroding shorelines rather than hard surface practices, such as bulkheads or seawalls. In fact, hard surfacing practices shall be discouraged to the maximum extent practicable.
- 19) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

2. Floodplain EMU, the Tchefuncte River (PMSA EMU 11)

West - LA Hwy. 1077 from I-12 to Lake shoreline

North - I-12

East - US Hwy. 190, LA Hwy. 22 and east shoreline (left descending bank) of the Tchefuncte River

South - Lake Pontchartrain shoreline

a. Goals for Floodplain EMU (PMSA EMU 11)

- 1) Protect the cypress swamp and associated riparian habitat that lies between the Tchefuncte River and the Pleistocene uplands.

- 2) Protect or restore the water quality of the Tchefuncte River.
- 3) Protect vegetation along the shoreline of the river to prevent erosion, enhance water quality, and retain aesthetic value of the watercourse.
- 4) Encourage development on the Pleistocene uplands and on soils that are suitable for development and where there is a minimal threat of flooding.
- 5) Protect cultural resources within the EMU from destruction or unauthorized excavation.
- 6) Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.
- 7) To the maximum extent practicable, development shall be prohibited in a floodplain or floodway that would increase the effects or impacts of flooding on downstream areas.

b. Policies for Floodplain EMU (PMSA EMU 11)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Permits issued for activities that require dredge and fill or maintenance shall make positive use of spoil by protecting the eroding shorelines or creating wetlands. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish or shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.
- 3) Existing transportation systems, development corridors, pipeline rights-of-way, and entry points shall be used when accessing or traversing the Tchefuncte River and adjacent wetlands.
- 4) Development shall be encouraged on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies. Floodplains and floodways shall be avoided to the maximum extent practicable.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.
- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Any mitigation for a coastal use within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.
- 8) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be

aggressively protected from unauthorized excavation.

- 9) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 10) Surface alterations shall be designed and permittee shall be encouraged to use urban, construction, and agricultural best management practices so that the project does not adversely degrade the surface or ground water quality of the project area or adjacent areas.
- 11) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 12) Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.
- 13) Vegetation, or other innovative techniques to stabilize eroding shorelines shall be used to the maximum extent practicable rather than hard surface practices, such as bulkheads or seawalls.
- 14) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

3. Marsh-lowland EMU (PMSA EMU 12)

West - N. Causeway Boulevard from I-12 to Lake shoreline

North - I-12

East - US Hwy. 190, LA Hwy. 22 and east shoreline (left descending bank) of the Tchefuncte River

South - Lake Pontchartrain shoreline and Rigolets shoreline

a. Goals for Marsh-lowland EMU (PMSA EMU 12)

- 1) Protect and conserve the environmental quality of the EMU.
- 2) Protect the wetlands from further degradation and/or destruction from natural or man-related causes.
- 3) Reduce shoreline erosion and where possible restore the integrity of the

shorelines.

- 4) Preserve the integrity of the wetlands.
- 5) Protect the water quality of the EMU and work toward improving those areas where degradation has already take place.
- 6) Impose mitigation conditions upon dredge and fill permits so spoil is used to create new wetlands or retard shoreline erosion.
- 7) Encourage development in those areas where soil conditions are suitable and there is a minimal threat of flooding.
- 8) Encourage comprehensive wetlands planning and management for all wetlands.
- 9) Protect the cultural resources within the EMU from destruction or unauthorized excavation.
- 10) Encourage landowners to become more involved in protecting the wetlands and retarding wetlands loss.
- 11) Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.
- 12) To the maximum extent practicable, buffers and transition zones shall surround valuable wetlands in the EMU.

b. Policies for Marsh-lowland EMU (PMSA EMU 12)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Spoil should not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish and shellfish, or destroy cultural resources. When it is necessary to dredge, spoil should be treated as a resource and not discarded as a useless byproduct.
- 3) Existing transportation systems (roads, pipeline rights-of-way, waterways), development corridors, and entry points shall be used to the maximum extent practicable when accessing or traversing the lake shoreline or the wetlands.
- 4) Development on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU shall be encouraged. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies or will not be damaged by repetitive flooding.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development. Coastal water dependent uses if permitted shall be allowed only in wetlands with the lowest habitat productivity, flood retention, or erosion protection values or adjacent to preexisting water dependent uses.

- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Shoreline vegetation along lakes, canals, or natural water courses shall be protected to retard erosion and enhance water quality.
- 8) Flood protection levees shall be encouraged when placed on the exposed Pleistocene uplands and designed so that they will not adversely affect the migration of valuable wetland species due to potential sea level rise. They shall not encroach onto the Recent surface.
- 9) Any mitigation for a coastal use within the EMU shall first be evaluated for implementation within the EMU. However, if this is not practical the mitigation measures shall remain within the parish.
- 10) Comprehensive wetlands conservation plans shall be prepared for selected wetlands, such as the area south of U.S. 190 and between Cane Bayou and Bayou Lacombe.
- 11) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavations.
- 12) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 13) Surface alterations shall be designed so that they do not degrade the ground or surface water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of impervious surfaces, and incorporate urban construction, agriculture, and silviculture, best management practices (including sediment and erosion control, stormwater management and septic system installation and operation) to the maximum extent practicable.
- 14) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 15) Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.
- 16) The LCP Administrator shall work with landowners to investigate the practicality and feasibility of initiating a wetlands conservation program for their holdings. The parish shall investigate possible funding mechanisms, such as tax incentives or impact fees, for assisting landowners in initiating and maintaining a federal and state permitted wetlands management plan.
- 17) Dams, plugs, and spoil banks constructed as a result of the coastal program shall be maintained by the individual or company responsible for the dredging.
- 18) All new pipeline canals shall use push ditch method of channel construction and

backfill the pipeline channel. Plugs shall be placed near the mouth of the pipeline channel and backfilled 50 ft in front and 50 ft in back of the plug (100 ft total plus the plug).

- 19) Vegetation, or other innovative techniques to stabilize eroding shorelines shall be used to the maximum extent practicable rather than hard surface practices, such as bulkheads or seawalls.
- 20) Mineral extraction shall use board roads to the maximum extent practical. These roads shall have a minimal adverse impact on hydrologic circulation through the installation of bridges over channels and periodic spacing of culverts. The embankments within the wetlands shall be removed after activities cease if this is the best management practice for the place and time.
- 21) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.
- 22) Permits issued for activities that require dredge and fill or maintenance shall make positive uses of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish and shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.

4. Pearl River Basin and Delta EMU (PMSA EMU 25)
 - West - I-10, U.S. Hwy 190, U.S. Hwy 90
 - North - I-10
 - East - Mississippi State Line
 - South - Rigolets shoreline and Lake Borgne shoreline

a. **Goals for Pearl River Basin and Delta EMU (PMSA EMU 25)**

- 1) Protect and conserve the environmental quality of the EMU.
- 2) Protect the cypress swamps and diversity of habitat within the river basin and the delta.
- 3) Work closely with the Louisiana Department of Wildlife and Fisheries to enhance the wildlife areas of the EMU.

- 4) Encourage the acquisition of additional swamps and marshes for incorporation into the state wildlife system.
- 5) Encourage the more intensive economic activities to take place on those lands suited for development.
- 6) Encourage the mineral extraction that does take place to be done in an environmentally sound manner that minimizes adverse impacts on the wetlands and water bodies of the EMU.
- 7) Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.

b. Policies for Pearl River Basin and Delta EMU (PMSA EMU 25)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Permits issued for activities that require dredge and fill or maintenance shall make positive uses of spoil by creating wetlands or diversifying habitat. Spoil shall not be randomly or haphazardly deposited in wetlands or water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish and wildlife, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct. However, activities requiring dredge and fill shall be discouraged to the maximum extent practicable.
- 3) Existing transportation systems (roads, pipeline rights-of-way, waterways), development corridors, and entry points shall be used to the maximum extent practicable when accessing or traversing the river or the wetlands.
- 4) Development shall be encouraged on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies and will not suffer repetitive flood damage.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.
- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Shoreline vegetation along lakes, canals, or natural water courses shall be protected to retard erosion and enhance water quality.
- 8) Any mitigation for a coastal use within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.
- 9) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavation.

- 10) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 11) Surface alterations shall be designed so they do not adversely affect (degrade) the water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of impervious surfaces, and incorporate urban construction, agriculture, and silviculture, best management practices (including sediment and erosion control, stormwater management and septic system installation and operation) to the maximum extent practicable.
- 12) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 13) Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.
- 14) Mineral extraction shall use board roads to the maximum extent practical. These roads shall have a minimal adverse impact on hydrologic circulation through the installation of bridges over channels and periodic spacing of culverts. The embankments within the wetlands shall be removed after activities cease if this is the best management practice for the place and at the time.
- 15) Riprap, vegetation, or other innovative techniques to stabilize eroding shorelines shall be used rather than hard surface practices, such as bulkheads or seawalls.
- 16) Directional drilling from existing canals is an important alternative when evaluating extraction of resources and shall be given serious consideration.
- 17) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

The delineation of the Parish Coastal Zone into Environmental Management Units (EMU) shall be utilized by the LCP Administrator and the LCP Advisory Committee in the decision to approve, approve with modification, or otherwise conditionally approve, or deny a CUP for a use of local concern. EMU policies as set forth in the St. Tammany Parish Coastal Zone Management Plan are to be used as guides, by both applicant and the parish.

- F. SPECIAL MANAGEMENT AREAS - Areas within the Coastal Zone which have unique and valuable characteristics, such as beaches, barrier islands, shell deposits, salt domes, or formations containing deposits of oil,

gas or other minerals; historical or archaeological sites; corridors for transportation; industrialization or urbanization, and other such characteristics, all as more particularly set forth in R.S. 49:214.29 A, may require special management procedures. Such areas may be designated as special management areas in accordance with the procedure established by the Secretary and the Coastal Zone Management Plan, and when so designated shall mandate special considerations for the issuance of the CUP therein.

3.7 Term of Permits

- (1) Permits issued under this section shall remain in effect for a period of one (1) year from the date of issuance. If the designated use has not been initiated within the time period, the permit shall automatically be voided. If the designated use involves construction, and said construction is commenced within the one (1) year period, it must be completed not later than three (3) years from the date the permit was issued.
- (2) A local coastal use permit may be renewed if the LCP Administrator is satisfied that substantial progress has been made on said project or that the permittee has been precluded from acting by non self-induced litigation, material shortages, labor problems, or other events beyond the permittee's control.

3.8 Conditions of Permit

- (1) By accepting the Local Coastal Use Permit, the Applicant agrees to:
 - a. carry out or perform the use in accordance with the plans and specifications approved by the LCP Administrator.
 - b. comply with any permit conditions imposed by the LCP Administrator.
 - c. adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the LCP Administrator, it proves to be beyond the scope of the use as approved, or is abandoned;
 - d. provide, if required by the LCP Administrator, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the permitting body determine it necessary;
 - e. hold and save the State of Louisiana, the St. Tammany Parish Police Jury and police jurors individually, government, the Department of Development, the LCP Administrator and their officers and employees harmless from any damage to persons or property which might result from construction, maintenance, and operation of the permitted use.
 - f. certify that any permitted construction has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the LCP Administrator. The LCP Administrator may, when appropriate, require such certification be given by a registered professional engineer.
- (2) The LCP Administrator may place such other conditions on the permit as are appropriate to ensure compliance with the Coastal Zone Management Plan.

3.9 Appeals

- (1) Any interested person shall first appeal to the St. Tammany Parish Police Jury the decision of the LCP Administrator to issue, or not, a Local Coastal Use Permit. Said appeal shall be made within ten (10) days from the date of the written statement prepared by the LCP Administrator required by section 3.9 A hereof, shall be in writing, shall set forth the factual and, if applicable, the legal basis for the appeal, and shall be signed by the person initiating the appeal. The act of signing the appeal shall constitute a certification that said appeal has been made in good faith, with just cause, and not for the purpose of delay.

- (2) A hearing on the appeal shall be held within fifteen (15) days of the date that the written appeal, in proper form, is filed. Notice of the date and time of the appeal hearing shall be sent, at least ten (10) days in advance of the hearing to the applicant and all interested persons. Notice of the appeal hearing shall be given by publication in the official journal of the parish not less than five (5) days prior to the hearing. The hearing shall be conducted in accordance with the procedure established by the Police Jury for other such appeal hearings. The decision of the LCP Administrator may be reversed, or modified, only by the affirmative vote of 2/3 of the police jurors present at the meeting. Written notice of the decision shall be sent within seven (7) days of the hearing to the applicant and party appealing, if different than the applicant, by certified mail return receipt requested and published one time in the official journal of the Parish.
- (3) The decision of the LCP Administrator, as affirmed, modified, or reversed by the St. Tammany Parish Police Jury, may be appealed to the Secretary if a petition for reconsideration is filed in writing with the Secretary within ten (10) days following publication in the official journal of the Police Jury's decision, or receipt of the written notice of decision provided for in subsection (2) hereof. The grounds for reconsideration of the local decision and the content of the petition shall conform to the requirements of R.S. 49:214.35.

3.10 Modifications

- (1) The terms of conditions of a permit may be modified to allow changes in the permitted use, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the use will be in conformity with the coastal management program. Changes which would significantly increase the impacts of a permitted activity shall be processed as new applications for permits pursuant to Section 3.3, not as a modification.
- (2) A permit may be modified upon request of the permittee:
 - a. if mutual agreement can be reached on a modification, written notice of the modification will be given to the permittee.
 - b. if mutual agreement cannot be reached, a permittee's request for a modification shall be considered denied.

3.11 Monitoring - The LCP Administrator shall be responsible for monitoring progress of all permitted uses and compliance with regulations accompanying permit approval. In addition, the LCP Administrator shall be responsible for monitoring all activities within the coastal zone for compliance with this Ordinance. This will include on-site inspections to verify compliance, and following up reports for each permitted project.

3.12 Emergency Permits - The LCP Administrator may allow emergency permits to be granted where public safety is endangered or in situations requiring immediate action to protect the general welfare of St. Tammany Parish's citizens in accordance with Section 2.6.3 of this Ordinance. This action shall include consultation with the Louisiana Department of Natural Resources and will be permitted only in those cases which cannot be remedied by normal permit process.

3.13 Suspensions

- (1) The LCP Administrator may suspend a permit upon a finding that:
 - a. the permittee has failed or refuses to comply with the terms and conditions of the permit or any modifications thereof, or
 - b. the permittee has submitted false or incomplete information in his application or otherwise, or
 - c. the permittee has failed or refused to comply with any lawful order or request of the LCP Administrator or the Secretary.
- (2) The LCP Administrator shall notify the permittee in writing that the permit has been suspended and the reasons therefor and order the permittee to cease immediately all previously authorized activities. The notice shall also

advise the permittee that he will be given, upon request made within ten (10) days of receipt of the notice, an opportunity to respond to the reasons given for the suspension.

- (3) After consideration of the permittee's response, or, if none, within 30 days after issuance of the notice, the LCP Administrator shall take action to reinstate, modify, or revoke the permit and shall notify the permittee of the action taken.
- 3.14 Revocation - If, after compliance with the suspension procedures in Subsection 3.13 above, the LCP Administrator determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.
- 3.15 Enforcement - If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the LCP Administrator shall seek appropriate civil and criminal relief as provided by R.S. 49:214.36.
- 3.16 Penalties - Violation or failure to comply with the provisions of this Ordinance or the terms or conditions of any coastal use permit shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or ninety (90) days imprisonment, or both. Each day for which the violation continues shall constitute a separate offense.

SECTION 4: PERMIT FOR USES OF STATE CONCERN

Applications for uses of state concern can be made at the Department of Development, Covington and/or Slidell, or at the Coastal Management Division, Department of Natural Resources, Baton Rouge, Louisiana. If the project is determined by the Local Coastal Program Administrator to be a use of state concern, the application and rationale for the decision shall be forwarded to the Coastal Management Division, Department of Natural Resources (CMD/DNR). If CMD/DNR determines an application is a use of local concern, it shall forward the application to the parish within two (2) working days of receipt thereof. If the determination is that the project is a use of state concern, the application shall be processed according to the State Rules and Procedures.

SECTION 5: NON-CONFORMING USE AND MAINTENANCE

5.1 Definition and Classification

- (1) Individual specific uses legally commenced or established prior to the January 1, 1979 and continued from that date shall not require a coastal use permit.
- (2) Normal repairs and the rehabilitation, replacement, or maintenance of existing structures shall not require a coastal use permit, provided that:
 - a. the structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement, or maintenance;
 - b. the repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work;
 - c. the repair or maintenance does not involve dredge or fill activities; and
 - d. the repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
- (3) This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of this Ordinance.
- (4) Coastal Use Permits will normally authorize periodic maintenance, including maintenance dredging. All maintenance activities authorized by Coastal Use Permits shall be conducted pursuant to the conditions established

for that permit. Where maintenance is performed which is not described in the applicable Coastal Use Permit, it shall conform to this section.

5.2 General Coastal Use Permits

(1) General

- a. The LCP Administrator may, after compliance with the procedures set forth in Section 2.6, Subsection 3.4 (General Permits) above, issue general permits for certain clearly described categories of uses requiring coastal use permits. After the general permit has been issued, individual uses falling within those categories will not require individual permit processing unless the LCP Administrator determines, on a case by case basis, that the public interest requires full review.
- b. General permits may be issued only for those uses that are substantially similar in nature, that cause only minimal adverse impacts when performed separately, that will only have minimal adverse cumulative impacts and that do not impair the fulfillment of the objectives and policies of the coastal management program.

(2) Reporting

- a. Each person desiring to commence work on a use subject to a general permit must give notice to the LCP Administrator and receive written authorization prior to commencing work. Such authorization shall be issued within 30 days of receipt of the notice.
- b. Such notice shall include:
 - i. The name and address of the person conducting the use,
 - ii. Such descriptive material, maps, and plans as may be required by the LCP Administrator for that general permit.

(3) Conditions of general permits

- a. The LCP Administrator shall review the permit, and make a recommendation to the Coastal Management section of the Louisiana Department of Natural Resources. Upon approval by the Secretary, the LCP Administrator shall make a determination on the general permit. The proposed actions shall be monitored monthly to insure compliance with the local Ordinance.
- b. The LCP Administrator shall prescribe such conditions for each general permit as may be appropriate.
- c. A general permit may be revoked if the LCP Administrator determines that such revocation is in the public interest and consistent with the coastal management program.

SECTION 6: SCOPE OF COVERAGE

The provisions of this Ordinance apply only to uses of local concern as prescribed by Act 361 of the Louisiana State Legislature, 1978, as amended, State and Local Coastal Resources Management Act. All issues of state concern as prescribed by said Act shall be directed to the appropriate state agency by the LCP Administrator as provided in Section 4 hereof.

SECTION 7: VARIANCE

(DELETED - See 3.6,II.,A.,8. - SCLRMA Guideline 1.8)

SECTION 8: SEPARABILITY CLAUSE

If any section, subsection, paragraph, sentence, or phrase of this Ordinance shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect.

ST. TAMMANY PARISH POLICE JURY

ORDINANCE

ORDINANCE CALENDAR NO. 1788

ORDINANCE POLICE JURY SERIES NO. 92-1607

INTRODUCED BY MR. DAVIS, SECONDED BY MR. HAND ON THE
18TH DAY OF JUNE, 1992. SUSPEND RULES TO ADOPT.

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, ST.
TAMMANY PARISH, TO PROVIDE FOR INCLUSION OF AN
APPENDIX ESTABLISHING REGULATIONS FOR A ST.
TAMMANY PARISH LOCAL COASTAL ZONE PROGRAM.

WHEREAS, it is necessary to establish regulations for a local
coastal zone program and incorporate provisions for same into the Parish
Code of Ordinances; and

WHEREAS, the Police Jury has approved the Coastal Zone Management
Regulations for St. Tammany Parish which are attached hereto as Exhibit
"A".

NOW, THEREFORE, BE IT ORDAINED BY THE ST. TAMMANY PARISH POLICE
JURY THAT it amends the Code of Ordinances, creating an additional
Appendix to be entitled "Local Coastal Zone Program" incorporating the
regulations outlined on the attached Exhibit "A".

SEE ATTACHED EXHIBIT "A" IN ITS ENTIRETY

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are
hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be
invalid, such invalidity shall not effect other provisions herein which
can be given effect without the invalid provision and to this end the
provisions of this Ordinance are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective and be deemed
enacted immediately upon approval by all applicable federal and state
agencies.

MOVED FOR ADOPTION BY MR. HAND, SECONDED BY MR. BAGERT

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN
THE FOLLOWING:

YEAS: GLASS, WILLIE, THOMPSON, GRIFFIN, HARWELL, SINGLETARY, HAND,
DOHERTY, BAGERT, DAVIS, RINCK AND STEFANCIK (12)

NAYS: 0

ABSTAIN: 0

ABSENT: PEPPERMAN AND SMITH (2)

THIS ORDINANCE WAS DECLARED DULY ADOPTED. COVINGTON, LOUISIANA,
THE 18TH DAY OF JUNE, 1992; AND BECOMES ORDINANCE POLICE JURY
SERIES NO. 92-1607.

ATTEST:

S/DIANE HUESCHEN
DIANE HUESCHEN, SECRETARY
ST. TAMMANY PARISH POLICE JURY

S/STEVE STEFANCIK
STEVE STEFANCIK, PRESIDENT
ST. TAMMANY PARISH POLICE JURY

A TRUE COPY OF

Ordinance 1788
/ CERTIFIED BY

ST. TAMMANY PARISH POLICE JURY

RESOLUTION

RESOLUTION POLICE JURY SERIES NO. 91-5462

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A RESOLUTION STATING THE ST. TAMMANY PARISH POLICE JURY INTEREST IN PARTICIPATION IN THE LOUISIANA COASTAL ZONE MANAGEMENT PROGRAM AND THE ESTABLISHMENT OF A LOCAL COASTAL PROGRAM IN ST. TAMMANY PARISH AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Coastal Zone Management Act of 1978, Act 361 was enacted by the Louisiana State Legislature,

WHEREAS, it is the intent of the St. Tammany Parish Police Jury to approve and implement the St. Tammany Parish Local Coastal Program,

NOW THEREFORE BE IT RESOLVED by the St. Tammany Parish Police Jury intends to participate in the Louisiana Coastal Zone Management Program and request designation by the Louisiana Department of Natural Resources, Coastal Management Division as an approved local coastal program and hereby approves the St. Tammany Parish Local Coastal Program.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

MOVED FOR ADOPTION BY MR. DOHERTY, SECONDED BY MR. GLASS
"CONSENT CALENDAR"


YEAS: GLASS, KEATING, GRIFFIN, HARWELL, SINGLETARY, DOHERTY, BAGERT, HART, STEFANCIK, DAVIS, GIBSON. (11)

NAYS: 0

ABSTAIN: 0

ABSENT: THOMPSON, HAND, ALFRED. (3)

AND THIS RESOLUTION WAS DECLARED DULY ADOPTED ON THIS 19TH DAY OF DECEMBER, 1991, AT A REGULAR MEETING OF THE POLICE JURY, A QUORUM OF THE MEMBERS BEING PRESENT.


STIEVE STEFANCIK, PRESIDENT
ST. TAMMANY PARISH POLICE JURY

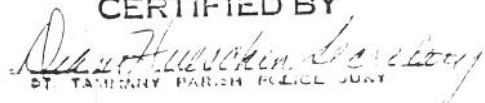
ATTEST:


DIANE HUESCHEN, SECRETARY
ST. TAMMANY PARISH POLICE JURY

A TRUE COPY OF

Resolution P. J. S. No. 11-5462

CERTIFIED BY


ST. TAMMANY PARISH POLICE JURY