

Final Evaluation Findings

Louisiana Coastal Management Program

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Summary of Findings

The Coastal Zone Management Act requires the National Oceanic and Atmospheric Administration (NOAA) to conduct periodic evaluations of the performance of states and territories with federally approved coastal management programs. This evaluation examined the operation and management of the Louisiana Coastal Management Program administered by the Louisiana Department of Natural Resources, the designated lead agency, for the period from January 2011 to July 2019. The evaluation focused on three target areas: program administration, permitting, and local coastal programs.

The findings in this evaluation document will be considered by NOAA in making future financial award decisions concerning the Louisiana Coastal Management Program. The evaluation came to these conclusions:

Program Administration

Accomplishment: The Louisiana Coastal Program has continued to strengthen relationships through open and transparent communication and engagement across a diversity of stakeholders.

Accomplishment: The Louisiana Coastal Program's previous success with conducting a boundary study with extensive stakeholder engagement resulted in the Louisiana state legislature approving a new, expanded coastal zone boundary that enables the state to better manage the coast and prepare for future changes due to relative sea level rise.

Recommendation: The NOAA Office for Coastal Management encourages the Louisiana Coastal Program to review legislative and regulatory changes related to its program and submit any changes to enforceable policies for incorporation into its federally approved coastal program and develop a regular schedule for program change submission.

Permitting

Accomplishment: SONRIS continues to be a valuable tool for implementing Louisiana's Coastal Use Permit Program and serves as a valuable data repository for coastal activities. SONRIS is used and valued by many coastal stakeholders, including federal and state agencies, local governments, industry, and private property owners.

Accomplishment: The Louisiana Coastal Program has made significant improvements to its permitting process, including streamlining the Needs, Alternatives, and Justification Analysis for coastal use permits, developing the "Hydrologic Modification Impact Assessment Guide," and developing an in-lieu fee mitigation program, that protect coastal wetlands while making the permitting process easier and more transparent for applicants.

Recommendation: The NOAA Office for Coastal Management encourages the Louisiana Coastal Program in its efforts to identify and implement improvements to SONRIS, particularly collecting new data and developing strategies for maintaining up-to-date data.

Local Coastal Programs

Accomplishment: The Louisiana Coastal Program provided extensive technical assistance and support to St. Charles Parish and St. John the Baptist Parish in their efforts to develop local coastal management programs, which were approved by NOAA in 2016 and 2018 respectively, bringing the total number of parishes with approved programs to 12 of 20.

Accomplishment: The Louisiana Coastal Program is improving state and local coastal resilience through projects and initiatives that can continue to be built on, such as the Fuel Team, *Louisiana Homeowners Handbook to Prepare for Natural Hazards*, Coastal Resilience Index workshops, facilitating the creation of the Louisiana Southwest Informational Floodplain Team (SWIFT) Community Rating System User Group, and the design and implementation of a new St. Tammany Parish road ordinance requiring a 6-foot minimum road height.

Recommendation: The NOAA Office for Coastal Management encourages the Louisiana Coastal Program to continue to look for opportunities to encourage the remaining eight parishes to develop local coastal programs and implement permitting at the local level.

This evaluation concludes that the State of Louisiana is successfully implementing and enforcing its federally approved coastal management program, adhering to the terms of the federal financial assistance awards, and addressing coastal management needs identified in section 303(2)(A) through (K) of the Coastal Zone Management Act.

Program Review Procedures

The National Oceanic and Atmospheric Administration (NOAA) evaluated the Louisiana Coastal Management Program in fiscal year 2019. The evaluation team consisted of Carrie Hall, evaluation team lead; Kristin Ransom, senior coastal management specialist; Heidi Stiller, South regional director; Tarice Taylor, Gulf geospatial coordinator; and Jill Andrews, chief of coastal management, Georgia Department of Natural Resources. The support of Louisiana Coastal Management Program staff members was crucial in conducting the evaluation, and this support is most gratefully acknowledged.

NOAA sent a notification of the scheduled evaluation to the secretary of the Louisiana Department of Natural Resources, published a notice of “Intent to Evaluate” in the *Federal Register* on May 24, 2019, and notified members of Louisiana’s congressional delegation. The coastal management program posted a notice of the public meeting and opportunity to comment in *The Advocate* on June 8, 2019.

The evaluation process included a review of relevant documents and a survey of stakeholders, which helped identify three target areas for the evaluation: program administration, permitting, and local coastal programs. A site visit was conducted and the evaluation team held meetings with staff members and group discussions with stakeholders and program staff members about the target areas. In addition, a public meeting was held on Tuesday, July 23, at 6:00 p.m. Eastern time at the LaSalle Building, Labelle Room, 617 North Third Street, Baton Rouge, Louisiana, to provide an opportunity for members of the public to express their opinions about the implementation of the program. Stakeholders and members of the public were also given the opportunity to provide written comments. A summary of the written comments received and the NOAA Office for Coastal Management’s responses are included in Appendix A. NOAA then developed draft evaluation findings, which were provided to the Louisiana Department of Natural Resources for review, and the department’s comments were considered in drafting the final evaluation findings.

Final evaluation findings for all coastal management programs highlight the program’s accomplishments in the target areas and include recommendations, which are of two types.

Necessary Actions address programmatic requirements of the Coastal Zone Management Act or its implementing regulations at 15 C.F.R. Part 923 and of the state coastal management program approved by NOAA, and the terms of any grant or cooperative agreement funded under the Coastal Zone Management Act. Necessary actions must be carried out by the date specified. Failure to address necessary actions may result in a future finding of non-adherence and the invoking of interim sanctions, as specified in the Coastal Zone Management Act §312(c).

Recommendations are actions that the office believes would improve the program but which are not mandatory. The state is expected to have considered the recommendations by the time of the next evaluation or dates specified.

Evaluation Findings

Program Administration

Administration

Louisiana's coastal program is implemented through the Louisiana Department of Natural Resource's Office of Coastal Management. At the beginning of the evaluation period, Louisiana was completing a significant reorganization of state government. The staff from the former Office of Coastal Restoration and Management, which was charged with implementing the state's coastal program, was separated into two different entities. The state created the Coastal Protection and Restoration Authority within the Office of the Governor to manage federal recovery funds from Hurricane Katrina and Rita through one central authority. One hundred positions from the former Office of Coastal Restoration and Management were moved to the new authority. Fifty positions remained within the Department of Natural Resources and became the new Office of Coastal Management, which continues to administer the state's federally approved coastal program. As of the 2019 evaluation site visit, the Office of Coastal Management was staffed with 43 positions, and four of those positions were open.

The Office of Coastal Management coordinates closely with the Coastal Protection and Restoration Authority, and the work of the two agencies is complementary. The authority leads the research and design, project development and implementation, and regulation associated with the state's integrated coastal protection efforts, while the Office of Coastal Management regulates development activities and manages the resources of the state's coastal zone. The Office of Coastal Management effectively applies a combination of online technology and in-person interactions to administer its statutorily required permitting responsibilities, interagency coordination, and local coastal programs. The office also serves a convening role, around issues such as sediment management, which is a critical issue for the state of Louisiana. The Office of Coastal Management serves on the Coastal Protection and Restoration Authority Board, and the authority provides funding to the office via interagency transfer each year. The funding, around \$2.9 million annually, helps support the twelve local coastal programs.

Coastal program staff were praised by stakeholders who the evaluation team met with and are highly valued for their commitment to transparent and open communication. This has fostered trust across a wide range of groups, from other state agencies to regulated private sector companies, environmental nonprofits, and local parish governments. The stakeholders the team met with praised the effectiveness, accessibility, responsiveness, and willingness of staff to help, including holding pre-application meetings, quickly returning phone calls, and traveling to parishes to review and help with local-level projects and issues. The transparency of the office's permitting process was highlighted numerous times. Several stakeholders also mentioned that communication had become more open in recent years, and that program leadership's willingness to dialogue with them about challenges was much appreciated.

Accomplishment: The Louisiana Coastal Program has continued to strengthen relationships through open and transparent communication and engagement across a diversity of stakeholders.

Federal Consistency and Program Changes including Coastal Zone Boundary

After the previous evaluation (2011), the Louisiana Coastal Program worked closely with NOAA to successfully address a program suggestion that the program “*should ensure that its federal consistency correspondence and determinations comply with NOAA regulations.*” Federal consistency partners from multiple federal agencies expressed how pleased they were with how the coastal program engages on federal consistency issues, and that the program is the model that they wish other entities would adopt. One federal agency did note that there was an opportunity to make the process for obtaining emergency permits for storm-related activities more efficient.

The Louisiana Coastal Program submitted five program changes that were approved during the evaluation period, including changes emanating from the State Master Plan (2011), boundary changes (2011, 2012), and incorporation of St. Charles Parish Local Coastal Program (2016) and St. John the Baptist Local Coastal Program (2018). The coastal program has made significant efforts to keep its program up to date but could benefit from reviewing changes to legislation and regulations and setting up a regular schedule to submit program changes, to ensure that all relevant policies are part of the federally approved program.

Recommendation: The NOAA Office for Coastal Management encourages the Louisiana Coastal Program to review legislative and regulatory changes related to its program and submit any changes to enforceable policies for incorporation into its federally approved coastal program and develop a regular schedule for program change submission.

The coastal region of Louisiana has changed significantly over the 30 years since federal program approval. In those intervening years, coastal Louisiana has experienced unprecedented land and wetland loss through subsidence, erosion, and sea level rise. At the request of the Louisiana State Legislature in 2009, the coastal program undertook a boundary expansion study with extensive stakeholder engagement. The study used science to identify areas highly subject to the effects of coastal processes and proposed a revised and expanded coastal zone. Much of this effort occurred during the previous evaluation period, but the adoption of a new expanded boundary covering an additional 1,800 square miles, which includes additional area in eight parishes and a reduction in area in two parishes, was approved by the state legislature and incorporated into the federally approved program in 2012.

The coastal program conducted extensive engagement and outreach to stakeholders throughout the process to help ensure understanding and ultimate adoption of the new boundary. Stakeholders commended these efforts and noted their importance for setting expectations and managing concerns. The coastal program’s good communication and transparency helped bring about the success of the boundary change study and expansion of the boundary by the state legislature. The coastal program has also worked with the new

communities within the boundary to explain the new regulations and why they apply. The updated coastal zone boundary will help Louisiana effectively implement both the state coastal program and the goals and objectives of the master plan as sea levels continue to rise.

Accomplishment: The Louisiana Coastal Program's previous success with conducting a boundary study with extensive stakeholder engagement resulted in the Louisiana state legislature approving a new, expanded coastal zone boundary that enables the state to better manage the coast and prepare for future changes due to relative sea level rise.

Water Quality

Section 6217 of the Coastal Zone Act Reauthorization Amendments requires coastal states participating in the National Coastal Zone Management Program to develop coastal nonpoint programs to control polluted runoff to coastal waters. NOAA jointly administers the Coastal Nonpoint Program with the U.S. Environmental Protection Agency. NOAA and the U.S. Environmental Protection Agency approved Louisiana's coastal nonpoint program, subject to certain conditions, in 1998. Since then, the state has been working with NOAA and the U.S. Environmental Protection Agency to address those conditions. Louisiana's previous coastal program evaluation (2011) had a necessary action requiring that:

"The Louisiana Department of Natural Resources must work with NOAA Office of Ocean and Coastal Resource Management to develop and submit to the office by October 31, 2011 a work plan with interim benchmarks and a time line for meeting the outstanding conditions of its conditionally approved coastal non-point program. The documentation indicating how Louisiana met the outstanding conditions must be submitted to NOAA OCRM no later than May 31, 2015."

Coastal program staff invested significant effort in coordinating with the Department of Environmental Quality to develop and submit a work plan on October 25, 2011, and information to address the remaining conditions on its coastal nonpoint program on November 14, 2014.

The state continued to work closely with NOAA and the U.S. Environmental Protection Agency as the federal agencies completed their review of Louisiana's program, helping to provide clarifying information and addressing remaining gaps identified by NOAA and the U.S. Environmental Protection Agency. NOAA and the U.S. Environmental Protection Agency are currently completing their review of Louisiana's coastal nonpoint program and preparing a proposed decision on whether the state has satisfied all conditions of approval placed on its coastal nonpoint program in 1998. The agencies plan to announce the proposed decision in the *Federal Register* for public comment before making a final decision.

Regional and National Leadership

Louisiana is unique in the nation in the amount and diversity of oil- and gas-related activity happening within the state's coastal zone. The coastal program has served as a resource for other states, generously offering to share its knowledge and lessons learned related to oil and gas development and permitting with other coastal programs as new areas off the nation's coast are being opened or considered for oil and gas activities. In addition, the coastal program has been very active in the Coastal States Organization's Coastal Nonpoint Working Group and supporting efforts to assist remaining states achieve full approval of their coastal nonpoint programs.

Sediment management is a major issue for Louisiana given current and projected land loss challenges and the restoration projects the state wants to implement under its Coastal Master Plan. The coastal program is participating in and fostering coordination of sediment management efforts both across the state and across the Gulf region. The coastal program is an active member of the Gulf of Mexico Sand Management Working Group, convened by the U.S. Bureau of Ocean Energy Management, and is involved in developing a Gulf-wide sand inventory. The coastal program was instrumental in establishing a process with the U.S. Bureau of Ocean Energy Management, U.S. Bureau of Safety and Environmental Enforcement, and Coastal Protection and Restoration Authority to decommission pipelines within "significant sediment resource blocks" to help make sediment available for restoration projects across the state's coast.

Permitting

Overview

The Office of Coastal Management is charged with implementing the Louisiana Coastal Resources Program under the authority of the Louisiana State and Local Coastal Resources Management Act (1978). The act established the Coastal Use Permit Program to ensure the management and reasonable use of the state's coastal wetlands, that adverse impacts are avoided or minimized wherever possible, and that conflicts between coastal resource user groups are reduced. A coastal use permit is required for dredge and fill work, bulkhead construction, shoreline modification, and other development projects such as marinas, subdivisions, drainage facilities, and energy infrastructure. The permitting program requires that public, private, and commercial projects within the coastal zone apply for authorization prior to construction for any project that is not exempt from regulation. Applicants complete a Joint Permit Application that may be used to apply for a coastal use permit and a U.S. Army Corps of Engineers permit under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act. The coastal program reviews approximately 1,500 to 2,000 permit applications a year for compliance with the Coastal Use Guidelines. During the evaluation period, the coastal program has made significant improvements to its permitting program, including streamlining the Needs, Alternatives, and Justification Analysis for coastal use permits, developing the "Hydrologic Modification Impact Assessment Guide," developing an in-

lieu fee mitigation program, and continuing to maintain and update its online information and permit processing system, SONRIS (Strategic Online Natural Resources Information System).

Guidance

The coastal program reviews every coastal use permit application to ensure that it is in conformance with the applicable Coastal Use Guidelines. The review process is called the Needs, Alternatives, and Justification Analysis. This analysis requires permit applicants to provide information related to the proposed activity, why it is necessary, how complex the project is, what alternatives to the project exist, and what the potential habitat impacts might be. This information allows the coastal program to fully gauge the impact of the permit as part of its analysis. In 2013, the coastal program updated the “Guide to Developing Alternatives and Justification Analysis for Proposed Uses within the Louisiana Coastal Zone” in an effort to streamline the required information from applicants and to more fully understand the potential impacts of a project and opportunities. The Needs, Alternatives, and Justification Analysis now uses a tiered approach, such that small, relatively insignificant developments do not require the same level of alternatives and justification details that larger developments require.

In 2014, the coastal program published the “Hydrologic Modification Impact Assessment Guide” to guide permit applicants in providing information on a project’s potential impacts to water quality and surface water conditions. The guide offers assistance in the development of hydrologic reports that may be required during processing of a permit application. These hydrologic reports typically investigate the pre- and post-development surface water conditions at a site proposed for development to determine if adverse impacts to adjacent lands or waterways will occur as a result of the proposed use. The information is used by the coastal program to ensure that projects avoid or minimize the potential for flooding to the maximum extent practical. Through the implementation of the updated Needs, Alternatives and Justification Analysis and the Hydrologic Modification Impact Assessment, the coastal program can better ensure that the public benefits of a proposed coastal use clearly outweigh any adverse impacts to public resources resulting from that use. Stakeholders who the evaluation team met with cited both of these documents as helping to improve the permitting process.

In 2013, the coastal program released a self-determination tool, a web-based GIS tool that has been incorporated into SONRIS. The tool allows property owners to self-determine if smaller projects require a coastal use permit. The tool incorporates the same data the coastal program uses to evaluate if a project is within a defined fastland, above the 5-foot contour, or near other special features such as salt domes and cheniers. The tool can be used to identify if there are potential impacts to special features or if features are otherwise not exempt from permitting requirements. The self-determination tool helps in reducing workload, although some local coastal programs don’t fully trust the data the tool is built on and the findings, but this could be addressed with better elevation data and, potentially, training.

The Louisiana Coastal Program has made significant improvements to its permitting process, including streamlining the Needs, Alternatives, and Justification Analysis for coastal use

permits, developing the “Hydrologic Modification Impact Assessment Guide,” and developing an in-lieu fee mitigation program, that protect coastal wetlands while making the permitting process easier and more transparent for applicants.

Wetland Mitigation

Stakeholders who the evaluation team met with expressed frustration that the state and U.S. Army Corps of Engineers use different methodologies to determine mitigation requirements, resulting in applicants not being able to predict the mitigation requirements of a proposed project. Louisiana and the U.S. Army Corps of Engineers each have their own statutory and agency policy mandates for mitigation requirements and utilize different scientifically proven assessment methodology tools to assess coastal habitat values. In addition, some methodologies or different iterations of the same methodology are utilized for different types of assessments (e.g., impacts vs. benefits). Often these different methodologies produce differing results and insert additional complexity into the permitting process.

The coastal program is currently implementing a Section 309 Strategy to determine the most efficient and appropriate tool available in coastal habitat assessments for compensatory mitigation purposes. The goals of this process are to increase the transparency for coastal users and other interest groups, while assisting the coastal program in achieving no net loss in the amount of impacted wetland acres versus acres restored, enhanced, and protected. To maximize the value of its habitat mitigation efforts, the coastal program will need to obtain and update the habitat data that will be used as part of the wetland assessment methodology. A key part of this effort will be identifying newer data sets that can be used, and the coastal program has been working with the NOAA Office for Coastal Management to do this. Going forward, it would be beneficial to develop a long-term project or strategy for ensuring that the most up-to-date data are available for the program. The NOAA Office for Coastal Management commends the Louisiana Coastal Program for pursuing opportunities to improve the transparency of the permitting process and to resolve differences in mitigation requirements across agencies, while ensuring no net loss of wetlands.

At the start of the evaluation period, permit applicants had the choice of performing wetland mitigation themselves or purchasing credits from a mitigation bank. To provide another option, the coastal program worked with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, and National Marine Fisheries Service to develop an in-lieu fee instrument for wetland mitigation that allows applicants to pay the coastal program for their mitigation requirements. The in-lieu fee instrument was approved by the U.S. Army Corps of Engineers, New Orleans District, on January 24, 2014. The coastal program utilizes in-lieu funds to enhance coastal restoration projects as outlined in the Louisiana Coastal Master Plan. Funds have been used to support Coastal Protection and Restoration Authority projects, such as the \$1.8 million of in-lieu fees for the Lost Lake Marsh Creation Project that were used to restore approximately 465 acres of rapidly disappearing marsh habitat.

Project applicants are very appreciative of this additional option to offset impacts to wetlands that makes the burden of compensatory mitigation easy to navigate, while still achieving the goal of no net loss of wetlands. Alternatively, mitigation banking interests in the state expressed concerns about the operation of the in-lieu fee program potentially driving them out of business after they have invested in wetland restoration. The coastal program is well aware of the different perspectives and continues to communicate with the relevant stakeholders about the balance being struck. At this time, it appears that both the existing mitigation banks and in-lieu fee programs are operating successfully.

Accomplishment: The Louisiana Coastal Program has made significant improvements to its permitting process, including streamlining the Needs, Alternatives, and Justification Analysis for coastal use permits, developing the “Hydrologic Modification Impact Assessment Guide,” and developing an in-lieu fee mitigation program, that protect coastal wetlands while making the permitting process easier and more transparent for applicants.

Stakeholders who the evaluation team met with also discussed their significant frustration with the U.S. Army Corps of Engineers permitting process, particularly concerning transparency and the length of time for permit approval. These issues are outside of the coastal program’s authority, but the coastal program is encouraged to pursue any additional opportunities that may arise with the U.S. Army Corps of Engineers to improve the overall permitting and mitigation process.

SONRIS

The coastal program uses online technology very effectively. The coastal program maintains the Strategic Online Natural Resources Information System (SONRIS), which stores data for oil, gas, and injection wells, state land leasing, ground water information, and more. SONRIS allows users to retrieve information using interactive, geographically oriented map capabilities. Millions of documents are also accessible via SONRIS, and there is a data subscription service. SONRIS has been highlighted in previous evaluations (2011 and 2005) as an accomplishment and contains to be maintained and improved by the coastal program.

Federal, state, and local coastal program administrators and private-sector permit applicants who the evaluation team met all found SONRIS to be a valuable and vital part of what makes the Louisiana permitting program successful. For example, local coastal programs noted that SONRIS was tremendously useful in keeping their permit processes on track. SONRIS is also well designed so that individual permittees can easily understand and use the system. A number of stakeholders noted that SONRIS made their day-to-day jobs easier in terms of being able to go into the system and find a document or use the GIS tools to find areas (environments) of interest and the associated data. Stakeholders also stated that SONRIS is a great system to improve resilience and back up information and documents.

The coast of Louisiana is very dynamic, and although SONRIS is a very robust tool, many of the data sources are out of date or no data are available to assess other uses. For example, SONRIS

utilizes the U.S. Geological Survey's National Wetlands Research Center habitat information and U.S. Fish and Wildlife Service's National Wetlands Inventory, and both data sets are from 1988. One of the major challenges is to have an accurate representation of land loss due to erosion, subsidence, or relative sea level rise. The most recent aerial imagery that is available for use is from 2016, and the only reliable lidar or elevation data set for coastal Louisiana was collected in the early 2000s. The coastal program still relies heavily on field investigators visiting and flying over potential permit sites and verifying current conditions on the ground, which is costly. Another key data gap is the lack of a usable repository of projects to determine cumulative and secondary impacts. One example of this data gap is that there are no data available on activity in the Outer Continental Shelf to chronicle the secondary and cumulative impacts these activities may have on port expansions, or adverse impacts to shorelines and waterways from vessel wake. Updating the data in SONRIS could enable permit determinations to be applied more systematically and consistently, and for a lower cost.

Training provided by the coastal program on topics such as use of SONRIS and administration of local coastal programs are much appreciated by stakeholders, and stakeholders see value in continuing these efforts, particularly to reach new staff and share updates on online systems and processes. Stakeholders also noted the value of previous SONRIS conferences and the potential to hold more in the future. In addition, stakeholders liked the idea of an online tutorial or video for permit applicants. Such a tutorial could help make the process more accessible for those who need to secure permits, could raise awareness of what sorts of activities require a permit, and could potentially reduce the questions that local and state-level coastal program staff have to field.

Additional opportunities discussed during the evaluation site visit to make SONRIS even more effective include:

- Prioritizing the addition of permit numbers, types, and locations into the GIS database so that users can easily search the database to see what permits have been applied for and the location of projects.
- The ability to categorize and filter pipelines by their "status" (i.e., active, inactive, damaged, and removed).
- Improving the online self-determination tool for potential permit applicants to determine if they need to apply for a permit, as well as other public assistance tools.
- Potentially utilizing the change detection geoprocessing tool for the Hydrologic Modification Impact Assessment. As hydrologic conditions in the coastal zone continue to change (quantity and quality of water, movement, distribution, etc.), so do cumulative and secondary impacts. One could conduct change detection analysis via GIS software, and then add those layers into SONRIS as an additional GIS information source for users to access.

The coastal program could benefit from reaching out more broadly to stakeholders to solicit additional input on potential improvements that would increase the utility of SONRIS and implement the most beneficial improvements.

SONRIS is a model system for permitting and information management. The NOAA Office for Coastal Management encourages the coastal program to conduct peer-to-peer sharing on the capabilities of its program, and potentially work with the NOAA Office for Coastal Management to help identify sharing opportunities.

Accomplishment: SONRIS continues to be a valuable tool for implementing Louisiana’s Coastal Use Permit Program and serves as a valuable data repository for coastal activities. SONRIS is used and valued by many coastal stakeholders, including federal and state agencies, local governments, industry, and private property owners.

Recommendation: The NOAA Office for Coastal Management encourages the Louisiana Coastal Program in its efforts to identify and implement improvements to SONRIS, particularly collecting new data and developing strategies for maintaining up-to-date data.

The coastal program is encouraged to continue to engage with the NOAA Office for Coastal Management to leverage its science and geospatial expertise to understand data needs, including habitat and elevation data, and limitations for making permitting decisions, and work to identify available or potential data products to enhance permitting decisions.

Public Access

The Louisiana Office of Coastal Management considers impacts on fishing, public access, and recreational opportunities when determining whether a proposed use complies with Louisiana’s Coastal Use Guidelines. Louisiana primarily addresses providing coastal public access through seven coastal parks managed by Louisiana State Parks and the Department of Wildlife and Fisheries through its Wildlife Management Areas, Wildlife Refuges, Wildlife Conservation Areas, and boating facilities.

The Louisiana State and Local Coastal Resources Management Act of 1978 declared that it is the public policy of the state “to enhance opportunities for the use and enjoyment of the recreational values of the coastal zone” (RS 49:214.22). The previous evaluation findings (2011) noted that the State of Louisiana had other more pressing coastal management challenges and that the coastal program did not have funding to purchase high-priced coastal lands or construct public access sites. The evaluation findings encouraged the coastal program to explore other opportunities to address public access such as the Coastal and Estuarine Land Conservation Program, which no longer provides funding for land conservation and public access.

Going forward, the NOAA Office for Coastal Management encourages the coastal program to pursue expanding its role in addressing coastal public access, particularly considering challenges from sea level rise and opportunities provided through expanding restoration efforts. The coastal program is uniquely positioned with its technical assistance and expertise and SONRIS to support local communities in their efforts to address public access. Opportunities include encouraging and supporting parishes in developing public access inventories, planning for

future public access, and making public access part of their local coastal programs. The public access inventories could be made available to the public in a user friendly format, and plans for public access could make communities more competitive when applying for funding. The coastal program could look at other coastal programs, such as Maryland and New Jersey, which support local government efforts to develop and implement public access plans and Alabama which works closely with its local coastal governments on public access issues. Louisiana is undertaking extensive wetland restoration efforts. The coastal program could play a larger role in encouraging incorporation of public access into restoration projects while minimizing habitat impacts. The Louisiana Coastal Program could look at the Mississippi and the San Francisco Bay Conservation and Development Commission programs and their roles in incorporating public access into restoration projects. The coastal program could also consider offering a grant program for local communities to pursue public access improvements. The NOAA Office for Coastal Management acknowledges that the department and coastal program may need to pursue additional funding and staff to support public access efforts, particularly a grants program, but encourages the coastal program to begin moving forward now with expanding their role in supporting public access and recreational opportunities.

Local Coastal Programs

Overview

Coastal parishes have the opportunity to develop local coastal programs, which give coastal parishes the opportunity to be the permitting authority for coastal uses of local concern. The local coastal programs are then approved by the state and incorporated into the federally approved program.

New Local Coastal Programs

The development of a local coastal program requires extensive effort by both the local government and the coastal program. During the evaluation period, two parishes, St. Charles and St. John the Baptist, worked to develop local coastal programs that were approved by the state and by NOAA in 2016 and 2018, respectively. St. Charles achieved approval after working on its program on and off over 20 years, and parish staff praised the coastal program for its continued assistance over the extended time period. The total number of coastal parishes with approved local programs is now 12 out of 20.

Accomplishment: The Louisiana Coastal Program provided extensive technical assistance and support to St. Charles Parish and St. John the Baptist Parish in their efforts to develop local coastal management programs, which were approved by NOAA in 2016 and 2018 respectively, bringing the total number of parishes with approved programs to 12 of 20.

The coastal program is available to provide technical assistance to all coastal parishes and supports any local parish interested in developing a program. Currently, not all parishes are interested in developing local coastal programs. The evaluation team heard from parishes with local coastal programs that participating brings additional benefits beyond the funding to

handle their own permitting. For example, parish staff noted that having a local coastal program gave them additional credibility in other areas of coastal management, most notably with the Coastal Protection and Restoration Authority, and the ability to better raise their local priorities for restoration. The coastal program could look at opportunities to focus on these stories as a way to encourage the remaining parishes to develop local coastal programs.

Recommendation: The NOAA Office for Coastal Management encourages the Louisiana Coastal Program to continue to look for opportunities to encourage the remaining eight parishes to develop local coastal programs and implement permitting at the local level.

Supporting Local Coastal Programs

The coastal program provides ongoing technical assistance and support to local coastal programs that is highly valued by the local parishes. Local parish staff expressed appreciation that assistance was available when issues and opportunities came up, for example, providing assistance on complex permits, enforcement actions, and setting up a permit database. Local partners also cited the value of the coastal program's partnerships to bring tools and resources to the parishes, for example, through the Community Rating System User Groups and the Coastal Resilience Index Tool discussed further below. The coastal program has also led collaborations and provided technical assistance for planning activities, for example, with the development of a new St. Tammany Parish road ordinance and implementing the Coastal Resilience Index discussed further below. The coastal program also hosts quarterly local coastal program meetings that provide the opportunity to exchange experiences across parishes, find common ground, and share solutions. More recently, the coastal program has been bringing in speakers from other agencies and organizations to share information that has been very useful to the local coastal programs. The coastal program also provides assistance to parishes that do not yet have an approved local coastal program.

Coastal Resilience

The coastal program builds state and local coastal resilience through convening stakeholders; providing technical assistance, training, and tools; and helping parishes plan and develop new policies, ordinances, and regulations. Examples are highlighted below.

Coastal Resilience Index

The coastal program partnered with Louisiana Sea Grant to facilitate over 20 local-level meetings to apply the Coastal Resilience Index (2010) self-assessment tool. During these meetings, individuals from the local area involved in hazard preparation, response, and recovery came together and walked through a series of questions that helped them assess the community's vulnerability and resilience across sectors, such as infrastructure, transportation, social systems, and business plans. Communities have used the results to identify and implement projects that can improve local-level resilience, and to apply for grants.

Community Rating System User Group

The Chenier Plains parishes participated in several Coastal Community Resilience Index workshops and identified the need to make the case for planning, including long-range resilience planning, community zoning, and land-use planning. To address this need, the coastal program, the Louisiana and Mississippi-Alabama Sea Grant Legal Programs, and the Gulf Coast Resilient Communities Workshops facilitated the establishment of the Louisiana Southwest Informational Floodplain Team (SWIFT), a Community Rating System users group. The group is composed of representatives from Calcasieu, Cameron, Iberia, and Vermilion Parishes. The group provides a forum for parish-planning, administration, floodplain, and coastal management staff to integrate resilience initiatives through a variety of mechanisms, ranging from comprehensive planning to improving permitting processes. For example, representatives from the group and the Town of Iowa attended Gulf Coast Resilient Communities workshops to identify activities that would help their communities better prepare for disasters and emergency events, and help lower National Flood Insurance premiums. The SWIFT group also partnered with local academic institutions to provide scientific data on observed and expected changes in local ecosystems due to land subsidence, storm surges, and development pressures to inform their resilience plans. The coastal program has provided technical assistance to other Community Rating System user groups in the state as well.

St. Tammany Parish Road Ordinance

Floodwaters resulting from heavy rain or tropical storm events have often trapped St. Tammany Parish residents in their homes and prevented emergency vehicle access when critical services were needed. The coastal program worked with the St. Tammany Parish Local Coastal Program to develop and implement a Section 309 Strategy to find opportunities to make the community more resilient to flooding and mitigate public safety issues. A project team of planning and permit staff members, engineers, coastal program staff members, and department heads was created. The team partnered with Louisiana Sea Grant's Law and Policy Program to conduct an inventory of existing policies, ordinances, and rules and regulations addressing hazard risk reduction, and to identify gaps that could be addressed with new or improved policies. The project team identified the elevation of roads as an opportunity to reduce risk and used historical surge information to develop a model ordinance (<https://bit.ly/2Mohx7v>) that includes minimum 6-foot elevation requirements for any new road constructed within the coastal zone. After a series of council, planning commission, and public meetings, the ordinance was adopted by the parish. The higher road elevations ensure that emergency personnel such as firemen, police, and ambulances will have greater access to flood-prone areas in the event of a storm. Maintenance costs for the new roads, once they are taken into the parish maintenance system, will be reduced, since the higher roads will be less likely to wash out during a flood event. The ordinance has also discouraged development in flood-prone areas, due to the cost of raising roads, and directed development towards higher elevation areas.

Louisiana Homeowners Handbook

The coastal program partnered with Louisiana Sea Grant to develop the *Louisiana Homeowners Handbook to Prepare for Natural Hazards* (<https://bit.ly/3aA2kb8>), a guide for homeowners and business owners that covers steps individuals can take to prepare their families and their properties for natural hazards. The local coastal program administrators have found it a valuable tool for their residents; one administrator the evaluation team met with had recently sent the guide out to residents via email as Hurricane Barry (2019) was approaching with a reminder to use the checklists.

Fuel Team

Louisiana is a major supplier of fuel to the nation, and disruptions to the industry have state and national impacts. The coastal program is part of the Louisiana Fuel Team, a voluntary team of governmental and industry partners working to ensure the availability of fuel during and after an emergency. The Fuel Team was created to supplement the state's emergency response to the public's need for fuel during times of emergency. The coastal program has leveraged its local coastal management program connections to develop an inventory of fuel resources across coastal Louisiana, so that fuel resources can be accessed strategically during a large storm or disaster event. The Fuel Team has also developed a GIS viewer that the public will eventually be able to access, which will provide up-to-date locations of fuel resources in the event of a disaster. The Fuel Team has been active during multiple tropical events, as well as during winter storms and river flooding events.

By planning for and finding ways to avoid energy disruptions, the team helps citizens avoid negative impacts during an emergency event, and also speeds recovery efforts. The Fuel Team's ability to share vital information with industry and government during times of emergency supports the resilience of the entire nation, given the significant percentage of the nation's energy resources that currently comes from, or through, Louisiana. The Fuel Team is being looked at by other states as a model for improving resilience.

Accomplishment: The Louisiana Coastal Program is improving state and local coastal resilience through projects and initiatives that can continue to be built on, such as the Fuel Team, *Louisiana Homeowners Handbook to Prepare for Natural Hazards*, Coastal Resilience Index workshops, facilitating the creation of the Louisiana Southwest Informational Floodplain Team (SWIFT) Community Rating System User Group, and the design and implementation of a new St. Tammany Parish road ordinance requiring a 6-foot minimum road height.

Evaluation Metrics

Beginning in 2012, state coastal management programs began tracking their success in addressing three evaluation metrics specific to their programs. In 2018, coastal programs began a new five-year period and set targets specific to their programs for two performance measures from the Coastal Zone Management Performance Measurement System. All coastal programs set a target for the coastal hazards measure in the Coastal Zone Management Performance Measurement System.

Evaluation Metrics 2012-2017

Metric 1: Coastal Hazard Resilience

Goal: Informed local government anticipating and responding to coastal hazards.

Objective: By 2017, an increase in the number of local coastal programs with coastal resilience measures, such as ordinances, regulations, guidelines, policies, and procedures in place to address issues of flooding, coastal storm surge, shoreline erosion, sea-level rise, and land subsidence for Louisiana coastal parishes.

Strategy: The state places a high priority on the resilience of coastal communities. The increasing number and intensity of storm events related to tropical cyclonic activity, and other natural hazards, are putting more people, property, lives, and livelihoods at risk along Louisiana’s coast with grave implications for human safety and the economic and environmental health of coastal areas. One of the ways by which coastal communities address resilience to coastal hazards is through planning and implementation tools – the development and approval of regulations, ordinances, guidelines, policies, and procedures through parish local coastal management programs. At the end of 2012, nine out of 10 local coastal management programs did not have such planning and implementation tools.

Performance Measure: Number of parish local coastal management programs that did not have approved coastal resilience and hazard mitigation planning and implementation tools prior to 2012 that will have approved tools.

Target: By 2017, five parish local coastal management programs that did not have approved coastal resiliency and hazard mitigation planning and implementation tools prior to 2012 will have approved tools.

Results: Year 1 No data
Year 2 3 parish local coastal management programs with approved tools
Year 3 2 parish local coastal management programs with approved tools
Year 4 0 parish local coastal management programs with approved tools
Year 5 0 parish local coastal management programs with approved tools
Total: 5 parish local coastal management programs with approved tools

Discussion: The coastal program successfully met its target and provided technical assistance to communities to improve their coastal resilience throughout the evaluation period.

Metric 2: Beneficial Use of Dredged Material

Goal: Beneficial use of dredged material associated with navigation and mooring activities is regulated by the coastal use permitting process.

Objective 1: By 2017, standards for capturing the use of spoil material associated with dredging activities in the Louisiana Coastal Zone will be in place, with significant quantities of dredged

material associated with maintenance/access dredging placed in such a manner as to support emergent wetland vegetation.

Strategy: It is imperative that both public and private resources be aligned to bolster the beneficial use of dredged material effort. Although the state has shown significant improvement in its beneficial use program in recent years, there is still an abundance of material that is dredged for navigation channels and other uses that is not being used beneficially. We have no sediment or fresh water resources to waste and are in fact sediment-deprived when it comes to our restoration efforts. It is far more cost-effective to beneficially use this dredge material than to dispose of this material in the least costly manner, as is often the practice, than expend additional funds to construct projects at a much higher cost. Coastal use permit authorizations meet the state’s existing rules and regulations criteria for beneficial use of dredge material if the authorization involves the dredging of more than 25,000 cubic yards of material.

Performance Measure: Number of cubic yards of dredged material beneficially used for coastal use permit authorizations that meet the criteria for beneficial use of dredged material.

Target: By 2017, 3,000,000 cubic yards of dredged material beneficially used for coastal use permit authorizations that meet the criteria for beneficial use of dredged material.

Results: Year 1 No data

Year 2	2,000,000	cubic yards of dredged material beneficially used
Year 3	1,200,000	cubic yards of dredged material beneficially used
Year 4	796,000	cubic yards of dredged material beneficially used
Year 5	1,400,000	cubic yards of dredged material beneficially used

Total: 5,396,000 cubic yards of dredged material beneficially used

Discussion: The coastal program significantly exceeded its five-year target, resulting in more coastal wetlands being restored.

Metric 3: Coastal Habitat Protection and Restoration

Goal: Conserve coastal wetlands through the coastal use permitting regulatory review process.

Objective: By 2017, ensure the losses of wetlands resulting from activities regulated by the program are offset by actions that fully compensate for their loss (as stipulated by permit conditions).

Strategy: The Office of Coastal Management is committed to conserving coastal wetlands by carrying out the no net loss of wetlands policies of the State and Local Coastal Resources Management Act and the Coastal Wetlands Conservation Plan. One mechanism by which no net loss of wetlands can be achieved is by requiring full compensation of habitat loss after all measures have been taken, through the coastal use permitting process, to avoid and minimize impacts to coastal resources. The Office of Coastal Management will require that any unavoidable impact to coastal resources be fully compensated by some means of acceptable compensatory habitat mitigation. The Office of Coastal Management considers the acquisition of habitat credits from a mitigation bank, the acquisition of credits from an approved in-lieu fee

program, and/or the implementation of stand-alone mitigation projects to be acceptable forms of habitat compensation. For purposes of this metric, “mitigation by full compensation” means that all permitted activities which have associated unavoidable impacts shall be fully compensated by the mitigation bank habitat credits, in-lieu fee habitat credits, or the habitat credits provided by the proper implementation of stand-alone mitigation projects.

Performance Measure: Percentage of average annual habitat units as defined in Louisiana’s regulations of disturbed wetland area mitigated by full compensation of habitat loss.

Target: By 2017, 100% of average annual habitat units as defined in Louisiana’s regulations of disturbed wetland area mitigated by full compensation of habitat loss.

Results: Year 1	No data
Year 2	101% habitat units mitigated by full compensation of habitat loss
Year 3	100% habitat units mitigated by full compensation of habitat loss
Year 4	100% habitat units mitigated by full compensation of habitat loss
Year 5	100% habitat units mitigated by full compensation of habitat loss
Average:	100% (excluding year 1) habitat units mitigated by full compensation of habitat loss

Discussion: During the 4 of 5 years the coastal program reported data, 100 percent of habitat units were mitigated by full compensation. As discussed in the findings, the coastal program runs an effective permitting program and has worked to improve options for mitigation in the state.

Evaluation Metrics 2018-2023

Metric 1: Coastal Habitat Protection and Restoration

Goal: Conserve and create coastal wetlands through the coastal use permitting regulatory review process.

Objective: Ensure the losses of wetlands resulting from activities regulated by the program are offset by actions that fully compensate for their loss (as stipulated by permit conditions).

Strategy: The Office of Coastal Management is committed to conserving coastal wetlands by carrying out the no net loss of wetlands policies of the State and Local Coastal Resources Management Act and the Coastal Wetlands Conservation Plan. One mechanism by which no net loss of wetlands can be achieved is by requiring full compensation of habitat loss after all measures have been taken, through the coastal use permitting process, to avoid and minimize impacts to coastal resources. The Office of Coastal Management will require that any unavoidable impact to coastal resources be fully compensated by some means of acceptable compensatory habitat mitigation. The Office of Coastal Management considers the acquisition of habitat credits from a mitigation bank, the acquisition of credits from an approved in-lieu fee program, and/or the implementation of stand-alone mitigation projects to be acceptable forms of habitat compensation.

Performance Measure: From 2018 to 2023, the number of acres of a) permit-estimated loss and b) required gain or mitigation of tidal wetlands due to activities subject to CZM regulatory programs.

Target: From 2018 to 2023, achieve no net loss of the number of acres resultant from permit-estimated loss and required gain or mitigation of tidal wetlands due to activities subject to CZM regulatory programs.

Results: Year 1 +.02 acre

Discussion: The coastal program continues to effectively implement its permitting program as discussed in the findings and is on track to meet its target.

Metric 2: Coastal Hazards

Goal: Work with local communities to implement non-structural effort through the Louisiana Coastal Resources Program in order to enhance risk reduction from coastal hazards.

Objective: Provide technical assistance to local communities to implement non-structural efforts.

Strategy: The state places a high priority on the risk reduction of coastal communities. The increasing number and intensity of storm events related to tropical cyclonic activity, and other natural hazards, are putting more people, property, lives, and livelihoods at risk along Louisiana's coast with grave implications for human safety and the economic and environmental health of coastal areas. One of Louisiana's current 309 strategies involves working with a local community to develop a method by which to incorporate the Community Rating System (CRS) criteria from the National Flood Insurance Program (NFIP) into local coastal use permit authorizations utilizing a Local Coastal Management Program (LCMP) as the model for development. The state envisions utilizing additional partnerships established with the 12 LCMPs to expand this project to additional localities. The adoption of these policies and plans should lead to smarter and safer development as well as assist the communities economically by reducing flood insurance premiums.

Performance Measure: From 2018 to 2023, the number of a) state level policies and plans; b) local-level policies and plans; c) projects completed at the state level; and d) projects completed at the local-level to reduce future damage from coastal hazards with assistance from CZM funding or staff.

Target: From 2018 to 2023, a total of three a) state level policies and plans; b) local-level policies and plans; c) projects completed at the state level; and d) projects completed at the local-level to reduce future damage from coastal hazards with assistance from CZM funding or staff.

Results: Year 1 1 local-level policy or plan

Discussion: The coastal program provides technical support to local coastal programs to reduce coastal hazards through development of policies and plans and implementation of projects as discussed in the findings and is on track to meet or exceed the target.

Metric 3: Coastal Dependent Uses and Community Development

Goal: Track number of training events related to Coastal Dependent Uses and Community Development offered by the coastal zone management program.

Objective: Participate in training and/or outreach activities focused on Coastal Dependent Uses and Community Development.

Strategy: The state Coastal Zone Management Program places an emphasis on risk reduction for development within coastal communities. This is due in large part to the particular vulnerabilities of coastal Louisiana to threats of tropical activity, sea level rise, and subsidence. The coastal use permit, the basic regulatory tool for the state, is an integral key to assist in addressing these vulnerabilities. Each project is thoroughly reviewed to ensure its compliance with the coastal use guidelines of the state set through regulation. One of the aspects reviewed includes the coastal dependent nature of a proposed use.

Performance Measure: From 2018 to 2023, the number of training events related to Coastal Dependent Uses and Community Development offered by the coastal zone management program.

Target: From 2018 to 2023, 20 training events related to Coastal Dependent Uses and Community Development will be offered by the CZM program.

Results: Year 1 1 training event

Discussion: The coastal training program is not on track to meet this measure and may wish to consider revising their metric to reflect an activity they are focusing their efforts on.

Conclusion

For the reasons stated herein, I find that the State of Louisiana is successfully implementing and enforcing its federally approved coastal management program, adhering to the terms of the federal financial assistance awards, and addressing coastal management needs identified in section 303(2)(A) through (K) of the Coastal Zone Management Act.

These evaluation findings contain three recommendations that must be considered before the next regularly scheduled program evaluation but which are not mandatory at this time. Recommendations that must be repeated in subsequent evaluations may be elevated to necessary actions.

This is a programmatic evaluation of the Louisiana Coastal Management Program, which may have implications regarding the state's financial assistance awards. However, it does not make any judgment about or replace any financial audits.

signed by Jeffrey Payne
Jeffrey L. Payne, Ph.D.
Director, NOAA Office for Coastal Management

dated April 30, 2021
Date

Appendix A: Response to Written Comments

Mart J. Black, AICP, Director
Coastal Restoration & Preservation
Terrebonne Parish Consolidated Government

In the nearly four years I have worked for a local coastal parish in Louisiana in coastal restoration and coastal zone management, I have come to rely on the professional services and expertise in local coastal zone program assistance provided by the people in the Office of Coastal Management/Louisiana Department of Natural Resources. I believe they are very ably handling coastal zone management issues in Louisiana, including operation and implementation of the Louisiana Coastal Management Program in conjunction with coastal parishes. The Office of Coastal Management/LDNR is a great resource and the people in that office, including Charles Reulet, Sara Krupa, Sharon Pecquet, and Jon Truxillo, to name some, have been and continue to be most helpful to me in my coastal zone management work in Terrebonne Parish.

NOAA Office for Coastal Management's Response: The NOAA Office for Coastal Management thanks Mr. Black for his comments.

Travis Trahan

I writing you because I have a few concerns and problems with the way our marsh is doing. First off we been flooding over here due to the fact everything is plugged off. Our Drainage Board does not do their job. None of the structures that have put up has not been open the flaps on them stay with silt around them that they can open. We done complain many times about this issue but it don't go nowhere. We have roads that flood now that never flooded 10 to 15 years ago and we never had drainage problems like we have now. Plus now we getting over taking by the Salvania grass it's going to kill everything. I'm live Cameron Parish and my drainage district is 7 Johnson Bayou Gravity Drainage District 7.

NOAA Office for Coastal Management's Response: The NOAA Office for Coastal Management thanks Mr. Trahan for his comments. The issue described does not fall under the purview of the coastal program and this evaluation. The comment was forwarded to the Louisiana Office of Coastal Management so that they could direct Mr. Trahan to the appropriate party who could address his concerns.

Jeff Couthran

Mr. Couthran copied the NOAA evaluator on comments emailed to the Louisiana Department of Natural Resources regarding Permit No.P20190114-Cameron Parish Gravity Drainage District 7.

If the structure is just culverts with flaps and material to prevent water flow in one direction, this is not an adequate Engineered Design. I would possibly support a more adequate design with adjustable flood gate installed and operated per a specific set protocol. If the local

Drainage board can not follow this protocol the water control structure must be removed or operated by an outside contractor.

I went to the drainage Board and asked for design documents of the structure and a scope of work. I was told they didn't have them. I understand the location of the bridge is West of the existing Deep Bayou bridge. Would you please confirm this location. If this is a fact this would cause water to flow in the North and South in the ditches along Deep Bayou road and then advance its way eastward up Smith Ridge and Middle Ridge Road and ditches. Slightly to the South of the Deep Bayou Bridge there is an area where the water from Johnson Bayou is cutting a path Eastward between Smith Ridge and Middle Ridge. I believe there have been hydraulic changes in the area due to other Structures being installed in the area. I also believe there is not enough elevation change in the area to support this water control structure.

The historical data assessments filed in the Louisiana Title and Surveys office located in Baton Rouge, Louisiana dating back to the 1920's describe the affected body of water to be seawater, this would depend on the environmental conditions at the time of the survey was conducted. However is not a navigable body of water. The body of water can currently vary from fresh to saltwater, which depends on environmental conditions, weather and the radical and unstable operations of the Sabine River Authority conducting water releases from reservoirs in the Sabine River Water shed. This also includes releases of water from Sam Rayburn which empties into Neches River Water Shed under the authority of the Army Corps of Engineers.

I understand water control structures to the North of Smith Ridge were installed. The water level has encroached greatly along the North side of Smith Ridge and causing major vegetation lost and change.

Through the years salt water has keep the aquatic vegetation in the balance throughout the body of water in the area of marshland that is going to be effected by water control structure to be installed. Saltwater has keep an Aquatic vegetation known as Saliva out of this previous estuary. The marsh is currently very fresh and an explosion of Salvina is presently spreading throughout the marshes, which is destructs marshes and all its habit. Remember salt water and brackish water kills Salvina. Remember the wildlife and fisheries sprays herbicide to kill Salvina. The manufacture and applicators of a particular herbicide is currently being sued for causing health risks and other damages it causes.

Can you tell me why your department would permit the installation of a water control structure manipulating the flow of water that is beneficial? Sure it does effect you personally but it does affect others who have invested in immovable property in the area.

Does water discharged into this body of water include, contaminated waste from oil fields that the governmental bodies have regulated?

Are their permits sewer/wastewater discharge into this body of water? Will the installation of this water structure alter the quality of water in the body of water such as dissolved oxygen?

Sure you can blame it on rising sea levels, oil and gas has been extracted in oil and gas fields for years in this area which marshland, Sabine Lake and the Gulf of Mexico all regulated by one state or federal government agency. This area is mostly floating turf, when the oil and gas was extracted it has sunk through the years. There is documentation of the pollution and irresponsible operations of these facilities, which was suppose to be regulated by government agencies. What happened?

I read where the structure is changing the culvert size from 60" culverts to be 48" culverts This is quite a change in size. This will effect hydraulic conditions.

- 1) Why the change?
- 2) Was there an error in Hydraulic calculations?
- 3) If there was an error why?
- 4) Has hydraulic study been done? If not, why not?
- 5) Are you able to calculate or analyze the proper culvert size for structure based upon a hydraulic study?
- 6) Deep Bayou Road already has structural damage from water cutting a path to and from Johnson Bayou.

NOAA Office for Coastal Management's Response: The NOAA Office for Coastal Management thanks Mr. Couthran for his comments. Section 312 of the Coastal Zone Management Act considers the totality of actions and activities undertaken during the specific period covered by the review as an indication of whether the state coastal management program is meeting the policies and provisions of the Coastal Zone Management Act. Thus, a programmatic evaluation under Section 312 of the Coastal Zone Management Act is not intended to resolve specific disputes over local permitting decisions or to issue a finding about whether a governmental entity was correct or incorrect in specific project-related decisions. The coastal program provides the opportunity for the public to comment on proposed coastal use permits and considers these comments when determining whether to issue and condition a permit or deny a permit.