

**Louisiana Coastal Nonpoint Pollution Control Program
Analysis of Finding that State has Satisfied All Conditions of Approvability
(i.e., Full Approval Decision)**

I. INTRODUCTION

The Coastal Nonpoint Pollution Control Program, set forth in Section 6217 of the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990, 16 U.S.C. § 1455b, addresses nonpoint source pollution problems in coastal waters. Section 6217 directs states and territories with approved coastal zone management programs to develop coastal nonpoint programs to implement management measures for nonpoint source pollution control, for the purpose of restoring and protecting coastal waters. Only coastal states that choose to participate in the National Coastal Zone Management Program pursuant to Section 306 of the Coastal Zone Management Act (CZMA) are required to implement coastal nonpoint pollution programs (or coastal nonpoint programs) under section 6217 of the CZARA¹.

Section 6217 is jointly administered by the National Oceanic and Atmospheric Administration (NOAA) and the United States Environmental Protection Agency (USEPA) (collectively, federal agencies). On January 19, 1993, USEPA issued technical guidance to assist states and tribes in designing coastal nonpoint programs. This document, titled Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters, 840-B92-002 (January 1993), addresses five major source categories of nonpoint pollution: (1) urban runoff, (2) agriculture runoff, (3) forestry runoff, (4) marinas and recreational boating, and (5) hydromodification. The guidance also addresses nonpoint source pollution issues associated with the loss or damage to wetlands and riparian areas.

In March 1996, NOAA published a programmatic environmental impact statement (PEIS) that assessed the environmental impacts associated with the approval of state and territory coastal nonpoint programs. The PEIS forms the basis for the environmental documents NOAA is preparing on each state and territorial coastal nonpoint program submitted for approval. In the PEIS, NOAA determined that the approval and conditional approval of coastal nonpoint programs will not result in any significant adverse environmental impacts and that these actions will have an overall beneficial effect on the environment.

NOAA issued an Environmental Assessment (EA) for the approval, with conditions, of the coastal nonpoint program submitted to NOAA and USEPA by the State of Louisiana in July 1997. NOAA also issued a Finding of No Significant Impact (FONSI), which was made available for public comment. On June 30, 1998, NOAA and USEPA approved

¹ If NOAA and USEPA find that a state fails to submit an approvable coastal nonpoint program, the agencies must withhold a portion of funds the state receives for its coastal nonpoint program under Section 306 of the CZMA and its nonpoint source management program under Section 319 of the Clean Water Act.

the Louisiana coastal nonpoint program, with conditions. For the conditional approval findings, see <https://coast.noaa.gov/data/czm/pollutioncontrol/media/findla.txt>. Since that time, Louisiana has undertaken a number of actions to address each of the identified conditions. Based on those actions and the materials provided by the State that document how its program meets each condition, on January 27, 2022, NOAA and USEPA published a notice and request for public comment on the proposed finding that Louisiana has satisfied all conditions of approvability on its coastal nonpoint program (87 FR 4226). One comment was received on this proposed decision, which raised no substantive issues on approvability of Louisiana's program. This memo examines whether supplemental environmental review under NEPA is required prior to NOAA and USEPA making its finding approving in full Louisiana's coastal nonpoint program.

II. BACKGROUND

Pursuant to CZARA, state coastal nonpoint programs must contain the following components:

- Coordination with existing state programs
- Determination of the state's coastal nonpoint management area
- Determination of critical coastal areas
- Processes for the implementation of 6217 (g) management measures
- Identification and implementation of additional management measures
- Technical assistance
- Public participation
- Administrative coordination
- Identification of enforceable policies and mechanisms

Of these requirements, the development of processes that provide for the implementation of 6217(g) measures is the most detailed and complex component. Management measures are defined as "economically achievable measures for the control of the addition of pollutants from existing and new categories and classes of nonpoint sources of pollution, which reflect the greatest degree of pollutant reduction achievable through the application of best available nonpoint pollution control practices, technologies, processes, siting criteria, operating methods, or other alternatives" 6217(g)(5). States are required to develop programs and processes to implement 56 management measures. The management measures address five categories of nonpoint source pollution: Agriculture, Forestry, Urban Areas, Marinas and Boating, and Hydromodification. Management managers also address the protection and restoration of wetlands and riparian areas. State programs must also provide for the implementation of "additional management measures... that are necessary to achieve and maintain applicable water quality standards and protect designated uses" 6217(b)(3).

Should a state fail to submit an approvable program, NOAA and USEPA are both required, by statute, to withhold 30 percent of a state's CZMA 306 funds and Clean Water Act (CWA) 319 funds. In recognition of challenges states faced in developing

programs, NOAA and USEPA developed a policy for conditional approvals, whereby the penalty provision of section 6217 will be suspended during the conditional approval period. In the March 1996 PEIS, three alternatives were analyzed: approval, approval with conditions, and program disapproval (i.e., finding that a state had failed to submit an approvable program). Under program disapproval, the state would be subject to the penalty provisions.

In the PEIS, NOAA concluded that both the full approval and the conditional approval of coastal nonpoint programs in general would have beneficial effects on the physical and biological environment associated with reduced nonpoint sources of pollution, improved water quality, and enhanced recreational opportunities. The PEIS noted that there might be some slight and localized positive and negative socioeconomic effects as with management measure implementation and behavior changes to reduce nonpoint sources of water pollution, but adverse environmental impacts would not be significant (NOAA 1996). After preparing a programmatic NEPA document, such as a PEIS, federal agencies may “tier” from the programmatic analysis to a narrower analysis of a specific project, policy, or program (pursuant to 40 C.F.R. §§ 1502.20 and 1508.28). The PEIS stated that approval of each state coastal nonpoint program would be analyzed in an EA that would be tiered from the PEIS. The tiered EAs refer back to the PEIS, and they focus on the characteristics and issues ripe for discussion when agencies consider a related action.

NOAA completed a tiered EA for the Louisiana Coastal Nonpoint Pollution Control Program, which analyzed the alternatives of approving the program fully, approving the program with conditions, and denying approval of the program (i.e., finding the program had failed to submit an approval program, or disapproving). NOAA and the USEPA found that the proposed Louisiana coastal nonpoint program qualified for approval with conditions. The EA concluded that the conditional approval of the Louisiana coastal nonpoint program would not result in any significant environmental impacts in Louisiana different from those analyzed in the PEIS and would have primarily beneficial effects on the environment. Further, the EA indicated that conditional approval would have the same or greater benefits as full approval, by encouraging Louisiana to strengthen its coastal nonpoint program and to satisfy the conditions while maintaining full CZMA and CWA funding, provided that Louisiana later satisfied the conditions. Based on the results of the analysis, NOAA issued a Finding of No Significant Impact (FONSI). Public comments were received and responses provided when the EA, FONSI, and proposed findings were made available for public comment (62 FR 38520; 63 FR 37094).

On July 16, 2020, the Council for Environmental Quality (CEQ) finalized new NEPA regulations that become effective on September 14, 2020. (85 FR 43304). Under the new regulations, 40 C.F.R. § 1506.13 (2020), the new regulations apply to all NEPA processes “begun after the effective date, but agencies have the discretion to apply them to ongoing NEPA processes.” NOAA and USEPA published the proposed findings on June 15, 2020 and commenced preparing this NEPA Adequacy review before publication of the proposed findings. Likewise, this Adequacy review relies on NEPA documents also prepared in 1996 (PEIS) and 1997 (EA), well before the effective date.

As such, NOAA had determined it is appropriate to rely on the CEQ regulations in place prior to the July 16, 2020 rulemaking.

III. ANALYSIS

Under NEPA, an EIS or EA must be supplemented and re-circulated for public comment if, in pertinent part, "[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns" or "there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 CFR 1502.9(c). The courts have further interpreted this threshold for supplementation as fairly high and subject to a rule of reason, such as where "new information must provide a seriously different picture of the environmental landscape such that another hard look is necessary." *Wisconsin v. Weinberger*, 745 F.2d 412, 418 (7th Cir. 1984), or if the new information is sufficient to show that the remaining action will affect the environment "in a significant manner or to a significant extent not already considered." *Marsh v. Or. Natural Res. Council*, 490 U.S. 360, 373-74 (1989). In this analysis, we compare the proposed action to the alternatives analyzed in the PEIS and EA, and examine the new information to determine if additional analysis under NEPA is required prior to full approval of the Louisiana Coastal Nonpoint Program (i.e., finding that the state has satisfied all conditions of approvability on its program).

A. CHANGES TO THE PROPOSED ACTION

The proposed action is the same as that analyzed in the EIS and EA, which is to make a decision on a state's coastal nonpoint program. The alternatives are also the same—full approval, approval with conditions, or denial. The preferred alternative (full approval, i.e., finding that a state has satisfied all conditions of approval on its program) and the state's coastal nonpoint program, however, have changed. This section discusses how the preferred alternative and Louisiana Coastal Nonpoint Program has changed relative to the environmental impact analysis in the EIS and EA.

The preferred alternative from the EA completed in 1997 was a conditional approval of the Louisiana coastal nonpoint program. The approval, with conditions, was granted on June 30, 1998. NOAA and USEPA put several conditions on Louisiana's program related to agriculture, forestry, urban development, marinas, and hydromodification. NOAA and USEPA also placed conditions on the state's program related to administrative coordination, its proposed coastal nonpoint program boundary, and monitoring approach.

More information regarding the specific conditions that were placed on Louisiana's program can be found in NOAA and USEPA's 1998 findings document on Louisiana's Coastal Nonpoint Program (available on NOAA's Coastal Nonpoint Program website at <https://coast.noaa.gov/data/czm/pollutioncontrol/media/findla.txt>).

Since 1998, Louisiana has made improvements to its program to address the conditions NOAA and the USEPA originally placed on it and provided additional information about

existing programs that the State relies on to meet the 6217(g) management measures and address nonpoint source pollution.

The preferred alternative at this time is finding that Louisiana has satisfied all conditions of approvability on its program (i.e., full approval). Since the publication of the Louisiana EA, which analyzed full approval, Louisiana has better articulated how its existing programs and authorities address the 6217(g) management measures and further strengthened other parts of its coastal nonpoint program. While the program designed to meet the management measures is more fully developed, the proposed finding that Louisiana has satisfied all conditions of approvability on its program (i.e., full approval) simply confirms that Louisiana has developed a program containing management measures necessary to achieve and maintain applicable water quality standards and protect designated uses. As such, the proposed action has not changed in a way that affects the environmental impacts analysis or conclusions contained in the EA. Some particular management measures are discussed below for illustration purposes.

For example, Louisiana has satisfied the site development management measure conditions placed on the program through levee district permits, Natural and Scenic Rivers designations, general stormwater permits for construction activities and local parish ordinances. These measures protect areas that provide important water quality benefits; limit increases of impervious area; limit land disturbance activities such as clearing and grading, and cut and fill to reduce erosion and sediment loss; and limit disturbance of natural drainage features and vegetation.

To address the conditions related to marina operations, the State implemented a voluntary clean marina program, backed by enforceable and direct state authorities, including National Pollutant Discharge and Elimination System (NPDES) permits. The Louisiana Department of Natural Resources (LDNR) also operates the clean marina certification program. The program encourages marinas to adopt best management practices (BMPs) contained within the *Louisiana Clean Marina Guidebook* to protect water quality. Louisiana Sea Grant, which produced the guidebook, also developed a summary pamphlet of the guidebook, *Good Environmental Management Practices in Louisiana's Marinas*. Marinas must undergo a recertification process every three years to maintain their "clean marina" certification. In addition to the guidebook, the State offers individual technical assistance to help marinas become clean marinas. Louisiana currently has 14 certified clean marinas and one clean and resilient marina within its coastal nonpoint management area. In addition, the state utilizes relationships with twelve Local Coastal Management Programs as an opportunity to identify additional marinas to grow participation. Additional sites may also be recruited to the Clean Marina program through the state coastal use permitting program.

The boat operation management measure in the 6217(g) guidance calls on state coastal nonpoint programs to establish programs that restrict boating activities, to decrease turbidity and physical destruction of shallow-water habitats. The Louisiana Department of Wildlife and Fish (LDWF) oversees the State's boater education program. LDWF's Handbook of Louisiana Boating Laws and Responsibilities includes

boat operation practices to reduce environmental impacts to shallow-water habitat. No wake zones are found at state parks within the coastal area to reduce erosion and protect habitat such as at the Sam Houston Jones State Park, and Lake Fausse Pointe State Park. Many parishes have also enacted watercraft speed restrictions specific to certain waterways. One such example is St. Tammany Parish Section Article 2 Section 15.00600 which defines geographic areas for watercraft speed limits in specific waterways within the parish (<http://www2.stpgov.org/code/code103.html>).

After issuing the conditional findings for some management measures, NOAA and EPA has changed its policy and determined that states no longer need to satisfy conditions that are covered by the National Pollutant Discharge Elimination System (NPDES) Stormwater Permits because these NPDES permits already contain enforceable measures. This applies to the management measures related to: construction site erosion and sediment control; construction site chemical control; roads, highways and bridges construction; hydromodification for erosion and sediment control; and chemical pollutant control for dams.

From 1998 to present, the changes to the Louisiana program reflect the development and/or further explanation of specific programs and policies to meet the CZARA management measure requirements. Although the manner in which Louisiana's program would meet the approval conditions were not known at the time the EA was published, NOAA and the USEPA had identified requirements for program approval, and the impacts were analyzed in the prior NEPA documents. The proposed agency action that Louisiana has met all conditions of approvability placed on its program, (i.e., full approval) is simply a finding that a program satisfies the program requirements. The action does not vary from that analyzed in the EA.

The management measures requiring behavior changes to reduce nonpoint sources of water pollution may cause slight negative socioeconomic effects, but neither the socioeconomic impacts, nor any environmental impacts, would be significant. Rather, Louisiana's implementation of these management measures is expected to have positive impacts on both environmental conservation and human health and safety by increasing the quality of coastal habitats. Consistent with the analysis in the 1997 Louisiana EA, the approval of the conditions will continue the state's eligibility for funding to implement the aforementioned management measures, which are expected to have positive environmental impacts and minor negative socioeconomic impacts.

B. Considerations for Adequacy of Existing EA

1. Comparison of the range of alternatives analyzed and evaluated in the prior two NEPA analysis documents and the proposed action to find that Louisiana has satisfied all conditions of approvability on its program (i.e., full approval):

The alternatives presented in this sufficiency analysis are generally the only ones available to both NOAA and the USEPA: full approval (i.e. approval without conditions or finding that a state has satisfied all conditions of approvability placed on its program),

conditional approval, or disapproval (i.e., finding that a state has failed to submit an approvable program).

2. Comparison of Affected Environment

The geographic area and resource conditions of the affected environment are sufficiently similar to those analyzed in the existing NEPA document. Although some of the characteristics of the affected environment have changed over time, such as increased population, changes in land use, including more urban development, and climate change, NOS does not believe that the affected environment has been significantly altered in a manner that would change the impact analysis and conclusions in the 1997 EA. There have been important changes in the affected environment, but the conclusion in the 1997 EA remains that the same that approval of the state's program will have primarily beneficial effects in the improvement of Louisiana's water quality, improved coastal habitat, improved public health, increased aesthetic value of coastal areas, and enhanced recreational opportunities as a result of cleaner water and healthier coastal habitats.

a. The Physical Environment

i. The Louisiana Coastal Nonpoint Program Management Area

The geographic area across which the Louisiana coastal nonpoint program extends is similar to the geographic area analyzed in the original 1997 EA for the Louisiana Coastal Nonpoint Program. The management area includes all or part of 29 parishes and encompasses the entire coastal zone as well as areas beyond the coastal zone in most coastal watersheds, including the Calcasieu, Mermentau, Vermilion-Teche, Atchafalaya, and Lake Pontchartrain watersheds. Louisiana originally proposed to align the boundary of its coastal nonpoint program with the State's coastal zone management program boundary. At the time of the 1997 EA, Louisiana's coastal zone boundary was limited to all or part of 19 parishes. In 2010, the State expanded the boundary of its coastal nonpoint management area to extend beyond the coastal zone management program boundary (which, itself, was expanded to include additional areas that are reasonably expected to have significant impacts on Louisiana's coastal waters). This change represents another example of the improvement of the program following interim approval. With an expanded coast nonpoint management area boundary, the state is able to manage more potential sources of coastal nonpoint pollution.

Overall, the coastal nonpoint management area boundary encompasses the Mississippi River deltaic plain on the eastern side of the State to the western chenier plain and includes the coastal areas experiencing the highest rates of land loss. The current expanded coastal nonpoint management area incorporates additional forested and agricultural lands, areas experiencing urban runoff, and waterways which are reasonably expected to have impacts on coastal waters. This boundary encompasses additional portions of the watersheds draining south toward Lake Pontchartrain, including large portions of several of the Florida parishes and portions of the

Tangipahoa and Tickfaw River basins. It also includes additional lands surrounding and south of Baton Rouge, larger areas of the Barataria-Terrebonne watershed, Vermilion-Teche watersheds and additional lands in the White Lake and Lake Charles areas. Today, the coastal nonpoint Management Area intersects with all of parts of the following Parishes: Acadia; Ascension; Assumption; Calcasieu; Cameron; East Baton Rouge; East Feliciana; Iberia; Iberville; Jefferson; Jefferson Davis; Lafayette; Lafourche; Livingston; Orleans; Plaquemines; St. Bernard; St. Charles; St. Helena; St. James; St. John The Baptist; St. Martin; St. Mary; St. Tammany; Tangipahoa; Terrebonne; Vermilion; Washington; and West Baton Rouge.

b. Coastal Environment

For purposes of this sufficiency analysis, the coastline of Louisiana has not substantially changed. Extending along the Gulf of Mexico from the Pearl River on the east to the Sabine River on the west, Louisiana's coastline has an overall length of 639 km (397 mi). Including all bays, inlets, and capes, it has a total length of 12,430 km (7,721 mi), with marshy wetlands making up most of the coast. Louisiana contains approximately 40% of the nation's wetlands and experiences 90% of the coastal wetland loss in the lower 48 states. From 1996 to 2016, approximately 32% of wetlands were lost in the Louisiana coastal nonpoint boundary.² From 2004 through 2008 alone, more than 300 square miles of marshland were lost to Hurricanes Katrina, Rita, Gustav, and Ike.³ The loss of coastal wetlands makes Louisiana's coast more susceptible to damage from tropical storms. Consequently, storms increasingly contribute to the erosion and flooding of coastal areas. The major causes of this land loss include the effects of climate change, sea level rise, subsidence, hurricanes, storm surges, disconnection of the Mississippi River from coastal marshes, and human impacts. However, data shows that as a result of wetland restoration measures and the lack of major hurricanes since 2008, wetland loss has decreased in recent years.⁴

c. Terrestrial Environment and Land and Water Uses

This section provides a description of the terrestrial environment and the land and water uses and users in the Louisiana coastal nonpoint management area. The Louisiana coastal nonpoint management area supports extensive and varied commercial and recreational activities. As in 1997, the intensity and nature of land and water uses in many areas has the potential to threaten and degrade coastal water quality if good best management practices to control nonpoint source pollution are not employed. However, for the purpose of supplementation review, while Louisiana's terrestrial environment and land and water uses have changed, that change does not significantly alter the baseline information to support the findings in the 1997 Louisiana EA that approval of the program will not have significant impacts on the environment.

² <https://coast.noaa.gov/ccapatlas/>

³ Couvillion, B.R., J.A. Barras, G.D. Steyer, W. Sleavin, M. Fischer, H. Beck, N. Trahan, B. Griffin, and D. Heckman. Land Area Change in Coastal Louisiana from 1932 to 2010. U.S. Geological Survey Scientific Investigations Map 3164, scale 1:265,000, 12 p. pamphlet.

⁴ <https://www.usgs.gov/news/usgs-louisiana-s-rate-coastal-wetland-loss-continues-slow>

d. Population

Most of the population was located in Louisiana's coastal communities in 1997, and those areas are most populated in 2020. While specific population data is not readily available for Louisiana's coastal nonpoint program management area, total population estimates of Louisiana's coastal watershed counties is a close approximation. Louisiana had a total population of 4,468,976 people in 1990, with approximately 2,044,880 people living in the 20 parishes located in Louisiana's Coastal Zone. Population density of Louisiana's coastal zone in 1990 was approximately 171 people per square mile. Today, the total population of Louisiana is 4,648,794, with approximately 2.3 million people living in the 20 coastal parishes, with a population density of 178.8 people per square mile.⁵ Population growth can create additional pressure to increase development in the region, which, in turn, could increase nonpoint source pollution if not managed properly.

e. Social and Economic Activities

As in 1990, the development of urban, agricultural, and forested lands and the activities associated with them continue to alter the landscape and generate many of the pollutants entering coastal waters.

i. Agriculture

At the time of the 1997 EA, agriculture, in the form of row crop and livestock commodities, contributed \$3 billion to Louisiana's economy. The major agricultural commodities were sugar cane, rice, dairy farming, and beef cattle. The coastal zone of Louisiana is naturally suited for rice production because of its warm temperatures, abundant rainfall, plentiful surface and groundwater supply, and soils adapted to rice production. In 1993, seven parishes in coastal southwest Louisiana accounted for 327,000 acres of rice fields, with Vermilion Parish accounting for the largest with 90,700 acres of rice harvested. In 1997, dairy farms constituted the most significant form of confined animal facility in proximity to Louisiana's coastal zone, though only three farms were located within that area. Much of the production of fruits and vegetables was also concentrated in the coastal areas.

In 2019, Louisiana generated around \$3.1 billion in agricultural revenue, with the highest valued commodities being soybeans, broilers, and sugarcane for sugar and seed. Approximately 425,000 acres were harvested with rice, 280,000 with cotton, 390,000 with hay, 469,000 with sugarcane for sugar and seed, 890,000 for soybeans, and 570,000 for corn.⁶ 27,400 total farms were in operation in Louisiana in 2019, with 8,000,000 acres operated. In the coastal nonpoint management area, over two million acres were in agricultural production. Parishes in Louisiana's coastal nonpoint

⁵ <https://coast.noaa.gov/states/louisiana.html>

⁶ https://www.nass.usda.gov/Quick_Stats/Ag_Overview/stateOverview.php?state=Louisiana

management area are among the most agriculturally productive in the state, particularly for sugarcane, rice, crawfish and other aquaculture, cattle, dairy, hay and horses.⁷

ii. Forestry

Louisiana’s forests are part of the South Forest region, which contains many diverse forest types. The forested areas in the coastal zone in 1998 were composed of 38 percent cypress forest, 37 percent bottomland forest, and 25 percent upland forest. Currently, Louisiana’s coastal zone supports various forest types, including a mix of oak, hackberry, toothache trees, maples, locusts - cypress, tupelo, black willow, and buttonbush. Approximately 1,238,720 acres of the coastal zone are composed of Woody Wetlands (17%), while approximately 2,894,604 acres are Herbaceous Wetlands (40%).

Sea level rise has resulted in flooding and an increase in salinity in forested coastal wetlands. The increases in the intensity and duration of flooding in Louisiana’s coastal zone have reduced the productivity of the cypress-tupelo swamps.⁸ However, studies have shown that bald cypress is one of the most tolerant species of long flood durations and relatively deep flooding. Baldcypress therefore remains a very important tree species, both for Louisiana’s economy and the environmental health of Louisiana’s coastal zone.⁹

The chart below details percent net change of forested area and upland forested area in each county within the LA CNP Management Zone from 1996 - 2016.¹⁰

LA CNP Management Zone County	Percent Net Increase/Decrease of Forested Area 1996 - 2016	Percent Net Increase/Decrease of Upland Forested Area 1996 - 2016
Acadia	-0.24%	+6.7%
Ascension	-3.33%	-9.44%

⁷ LSU AgCenter. 2018. Highlights of Louisiana Agriculture. Accessed: 03/02/2020.

<https://www.lsuagcenter.com/~media/system/d/7/8/c/d78c489f32e9ccde2e2eb7128e14ccb8/highlights%20of%20lo uisiana%20agriculture%202018pdf.pdf>

⁸ https://lasaf.homestead.com/LASAF_Cypress_Report_FINAL_08-13-2015.pdf

⁹ Louisiana Forestry association. 2010b. Cypress issues: cypress net growth compared with removals in Louisiana. <http://www.laforestry.com/site/ForestFacts/Cypress.aspx>. (Accessed February 2021).

¹⁰ <https://coast.noaa.gov/ccpatlas/>

LA CNP Management Zone County	Percent Net Increase/Decrease of Forested Area 1996 - 2016	Percent Net Increase/Decrease of Upland Forested Area 1996 - 2016
Assumption	-0.56%	+1.84%
Calcasieu	+6.03%	+15.4%
Cameron	-4.15%	+1.61%
East Baton Rouge	-4.19%	+9.49%
East Feliciana	+4.16%	+11.19%
Iberia	-0.17%	+1.34%
Iberville	-0.99%	+12.32%
Jefferson	-4.27%	-17.87%
Jefferson Davis	+5.41%	+14.14%
Lafayette	-1.4%	-1.59%
Lafourche	+0.25%	+27.33%
Livingston	-8.66%	-4.92%
Orleans	-1.82%	-2.49%
Plaquemines	-1.9%	-0.05%

LA CNP Management Zone County	Percent Net Increase/Decrease of Forested Area 1996 - 2016	Percent Net Increase/Decrease of Upland Forested Area 1996 - 2016
St. Bernard	-6.61%	-29.78%
St. Charles	+0.26%	+14%
St. Helena	-0.9%	+6.91%
St. James	-1%	+20.67%
St. John The Baptist	-0.09%	-0.72%
St. Martin	-0.12%	+7.78%
St. Mary	+0.98%	+14.47%
St. Tammany	-1.57%	+2.49%
Tangipahoa	-1.61%	+4.42%
Terrebonne	-0.34%	+27.15%
Vermilion	-3.06%	+4.05%
Washington	+2.66%	+8.75%
West Baton Rouge	-5.19%	+2.38%
All LA CNP Management Zone Counties	-32.42%	+147.57%

iii. Urban

In 2000, the Louisiana coastal zone contained 785,504 housing units, with a housing density of 72.4 per square mile. Housing development has increased to 851,625 housing units in 2018, with a housing density of 78.5 per square mile.¹¹ These numbers reflect the coastal watershed, which is close to but not exactly equivalent to the coastal nonpoint boundary.

iv. Marinas

Recreational boating activities remain to be a major use of Louisiana's coastal waters. There are approximately 316,439 boats registered in the State of Louisiana in 2020.¹² Compared to the boats registered in Louisiana in 1990 (288,011) this is an increase of 28,428. There are currently 137 marinas located in Louisiana, an increase from the 102 marinas located in the state in 1991.¹³

v. Oil and Gas

- *Oil*

In 1998, 122,140,799 barrels of oil were produced in Louisiana.¹⁴ Since 2014, Louisiana oil production has declined due to lower oil prices, and cheaper production costs in other U.S. oil and gas shale fields.¹⁵ That trend has continued, as Louisiana state oil production showed an average decline of 2.3% per year over the past five years. In 2018, only 49,696,069 barrels of oil were produced.¹⁶ Still, Louisiana is the ninth largest producer of crude oil and in the U.S., excluding the federal Outer Continental Shelf production.

- *Natural Gas*

In 1998, Louisiana produced 1,582,290,048 MCF of natural gas.¹⁷ In 2006, the Haynesville Shale, located in the Claiborne Parish, began producing natural gas, making gas the predominant factor in new production.¹⁸ In 2018, Louisiana produced 2,721,159,936 MCF of natural gas.¹⁹ Currently, Louisiana is the third largest producer of natural gas in the U.S., excluding the federal Outer Continental Shelf production.

vi. *Water Quality*

¹¹ <https://oceanoeconomics.org/Demographics/PHresults.aspx>

¹² <https://www.marinetitle.com/boat-registration/LA-Louisiana.htm>

¹³ <https://marinas.com/browse/marina/US/LA/5>

¹⁴ <https://www.arcgis.com/apps/webappviewer/index.html?id=1d1a40b0141b4a05bb4298c5a1a57bec>

¹⁵ <http://www.dnr.louisiana.gov/assets/TAD/newsletters/2020/2020STATEOILANDGAS.pdf>

¹⁶ <https://www.arcgis.com/apps/webappviewer/index.html?id=1d1a40b0141b4a05bb4298c5a1a57bec>

¹⁷ <https://www.arcgis.com/apps/webappviewer/index.html?id=1d1a40b0141b4a05bb4298c5a1a57bec>

¹⁸ <http://www.dnr.louisiana.gov/assets/TAD/newsletters/2020/2020STATEOILANDGAS.pdf>

¹⁹ <https://www.arcgis.com/apps/webappviewer/index.html?id=1d1a40b0141b4a05bb4298c5a1a57bec>

Louisiana's Integrated Report (IR) documents Louisiana Department of Environmental Quality's (LDEQ) progress toward meeting the responsibility of protecting the chemical, physical, biological, and aesthetic integrity of the water resources and aquatic environment of Louisiana. Louisiana's IR is produced, in part, to meet CWA requirements. The primary CWA sections addressed by the 2018 IR are § 303(d) and § 305(b). Section 303(d) states that each state shall identify water quality-limited segments still requiring Total Maximum Daily Loads (TMDL) within its boundaries for which: (1) Technology-based effluent limitations required by sections 301(b), 306, 307 or other sections of the Act; (2) More stringent effluent limitations (including prohibitions) required by either state or local authority preserved by § 510 of the Act or federal authority (law, regulation, or treaty); and (3) Other pollution control requirements (e.g., best management practices) required by local, state, or federal authority are not stringent enough to implement any water quality standards applicable to such waters.

In 2000, 19.9% (95) of Louisiana's 476 water bodies were fully supporting their overall designated use, and 4.0% (19) were fully supported but threatened. Water bodies which were partially supporting their overall designated use accounted for 29.8% (142) of Louisiana's assessed stress, lakes, wetlands, and estuaries, while 10.7% (51) were not supporting their overall designated use.²⁰

For the 2018 IR, full support of the designated use of boating was at 96%. Support of swimming in the assessed water body subsegments was at 69%, and of the 69% of subsegments showing impairment of the PCR use, 74% (114 of 154 subsegments) are due to elevated fecal coliform densities and 11% (17 of 154 subsegments) are due to enterococcus densities. Enterococcus sampling of coastal recreation water bodies is new for the 2018 IR, thus representing a new suspected cause of impairment in the IR assessment process. The remaining 14.9% of PCR impairments are due to chemical contamination (7.8%) or elevated water temperature (7.1%). For SCR use, 81% (17 of 21 subsegments) of the impairments are due to fecal coliforms and 19% (4 of 21 subsegments) are due to chemical contamination of some sort.²¹ Fish and wildlife propagation use was supported in 29% of assessed water body subsegments. This is nearly the same as the average use support of 30% between 2000 and 2016. The slight decrease in use support for fish and wildlife propagation may be due in part to the creation of 21 new subsegments. The new subsegments are part of the eastern Lower Mississippi River Alluvial Plain (eLMRAP) ecoregion realignment of subsegments.²²

LDEQ currently uses data and information on dissolved oxygen (DO), chlorides, sulfates, total dissolved solids (TDS), turbidity, non-native aquatic plants, pH, oil/tar/grease, seven different metals, and dozens of organic compounds including pesticides when assessing water quality for the designated use. In addition to these

²⁰ <https://edms.deq.louisiana.gov/app/doc/queryresults.aspx>

²¹

https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Te xt_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

²²

https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Te xt_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

monitored parameters, the presence of fish consumption advisories due to mercury or organic chemicals also results in impairment to this designated use.²³

Low DO, which is used to determine support of the fish and wildlife propagation use, continues to be the most frequently cited suspected cause of impairment with 201 subsegments affected. Fecal coliform ranks second in terms of the number of subsegments impacted (148). This suspected cause of impairment is used to assess the designated uses of PCR and SCR, as well as drinking water supply and oyster propagation. Mercury in fish tissue continues to be third in frequency of impairments with 113 subsegments affected. Turbidity is the fourth most frequently cited source of impairment (94 subsegments), while TDS is fifth, with 73 subsegments affected. Highly turbid waters, as measured by turbidity, can cause problems for aquatic life and aesthetic concern for human recreation.²⁴

vii. Deep Horizon Oil Spill

On April 20, 2010, BP's Deepwater Horizon drilling rig operating in the Gulf of Mexico approximately 50 miles off the Mississippi River delta exploded and sank. This triggered an oil spill from the damaged riser at the bottom of the Gulf that continued until August 4, 2010 when a static kill procedure effectively closed the well. The well was then cemented and permanently closed by September 19, 2010. The resulting oil spill affected a large portion of Louisiana's coastline. LDEQ and other agencies continue to analyze the impact of the spill on Louisiana's coastal waters. Results of this analysis will be presented in future reports by LDEQ as well as by other national and state agencies and academic researchers.²⁵

In the 2012 IR, LDEQ estimated that 42 coastal area subsegments were impaired by the oil spill and associated cleanup activities. LDEQ assessed these subsegments as being potentially and/or temporarily impaired for fish and wildlife propagation, oyster propagation, and/or PCR. The suspected impairments were based on fish, crab, shrimp, and shellfish closures issued by LDWF and LDH, as well as Shoreline Cleanup and Assessment Technique (SCAT) Team surveys of the region. Closure information was taken from the Environmental Response Management Application (ERMA) Gulf Response Website (NOAA 2010).²⁶

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https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Te xt_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

²⁴

https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Te xt_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

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https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Te xt_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

²⁶Disclaimer: The analysis of water quality contained in this report does not rely on information collected as part of the Deepwater Horizon Natural Resource Damage Assessment (NRDA), and is not intended to analyze impacts resulting from the Deepwater Horizon oil spill and related response for NRDA purposes.

In the 2014 IR, LDEQ reduced both the number and size of subsegments assessed as impaired by residual surface and sub-surface oil/tar balls/tar mats. This was done based on more recent SCAT Team surveys available at that time. The aerial extent of impairment was significantly reduced or eliminated in each of the previously impaired subsegments.²⁷

In the 2016 IR, all spill-related fish and wildlife propagation and oyster propagation impairments originally reported in the 2012 and 2014 IRs were updated to full support due to lifting of the LDWF and LDH fishing closures. For PCR, six limited portions of subsegments were assessed as being potentially and/or temporarily impaired for PCR.²⁸

For the 2018 IR, the six remaining partial subsegments identified in the 2016 IR were reassessed by onsite visual evaluations conducted from January – March of 2018. Based on these reevaluations, all six areas (Table 3.2.8) were determined to now be fully supporting the previously impaired designated use of PCR. There was No Oil Observed (NOO) at two of the six areas. Limited occurrences of Surface oil Residue Balls (SRBs) were observed at three of the areas. Reassessment of one area resulted in the observation of SRBs, Surface Residue (SR), Mousse (MS), and Oiled Vegetative Material (OVM). However, the observed SRBs, SR, MS and OVM were determined to be spatially intermittent in nature and, therefore, not impairing the PCR use of the areas. Therefore, all six partial subsegments previously identified as potentially and/or temporarily impaired for PCR have been removed from the 2018 IR.²⁹

3. Direct and Indirect effects comparison between the full approval analysis in this sufficiency analysis and the existing NEPA documents:

The direct and indirect effects of full approval of the Louisiana program (i.e., finding that the state has satisfied all conditions of approvability on its program) are similar qualitatively and quantitatively to the effects of full approval discussed in Section 4 of the 1997 Louisiana EA. The programs, initiatives and other components proposed for inclusion in the Louisiana coastal nonpoint program are already operating, independent of the NOAA-USEPA proposed action. The elements of the coastal nonpoint program are supported by enforceable policies and mechanisms that will remain in effect regardless of the federal action. Thus, there are limited direct impacts of the federal action itself, particularly now that there is no longer a dedicated funding source for coastal nonpoint programs.

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https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Text_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

²⁸

https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Text_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

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https://www.deq.louisiana.gov/assets/docs/Water/Integrated_Report/2018_Integrated_Report/18_IR1_A_Master_Text_FINAL-CORRECTIONS_For_Website_04-17-19.pdf

The indirect effects of activities falling under the umbrella of the coastal nonpoint program have beneficial effects to the natural and socioeconomic environment. For more information about these effects, see Section 4 of the Louisiana EA. The funding levels available to Louisiana for coastal management and water quality initiatives will not change as a result of full program approval (i.e., finding that Louisiana has satisfied all conditions of approvability on its program). If NOAA and the USEPA were to find that Louisiana had failed to submit an approvable program (i.e., disapprove the program), a 30 percent reduction in CZMA Section 306 coastal zone management and CWA Section 319 nonpoint source management funding would have indirect adverse effects on the physical, biological, and socioeconomic environments because it would reduce investments in efforts to manage coastal uses and improve water quality. For example, some of the state's CWA section 319 funding is used to fund eligible projects that reduce pollutant loads and improve water quality, including installation of best management practices that reduce the transport of pollutants to waterbodies. If its CWA Section 319 funding is reduced, Louisiana would have to cut the number of projects that improve water quality and reduce nonpoint source pollution it is able to support.

NOAA and EPA's finding that Louisiana has satisfied all conditions of approvability on its program (i.e., full program approval) signifies that Louisiana has demonstrated that it has met all coastal nonpoint program requirements, including that it has in place programs and processes to implement the 6217(g) management measures. This translates to beneficial effects to water quality as discussed in the EA. Also, as noted in the EA, both conditional and full approval of the Louisiana coastal nonpoint program help make existing programs more effective by strengthening the link between federal and state coastal zone management and water quality programs in Louisiana. Thus, the various direct, indirect, and cumulative effects resulting from implementation of the new proposed action are similar to those analyzed in prior NEPA documents, including the 1997 EA.

4. Analysis of Cumulative Effects

Cumulative impacts, as defined in NEPA, are the impacts from the proposed action, when added to other past, present, and reasonably foreseeable future actions affecting the same geographic range or area of potential effect. In addition to the discussion on environmental impacts from the proposed action, cumulative impacts, in particular, assist stakeholders to understand the complete picture of what is taking place in the project area because it looks at not just the impacts from the proposed action, but also impacts from all other actions and natural influences. The Louisiana Department of Natural Resources' Coastal Resources Division has identified multiple stressors that lead to potential adverse cumulative impacts within the coastal nonpoint program boundary.

Louisiana's coast is under increasing threat from land loss, subsidence, and sea level rise. In recent years, the state has been affected by Hurricanes Katrina, Rita, Gustav, Ike, Isaac, Harvey, Nate, Barry, Marco, Laura, Delta, and Zelda, and by the rains of many major storm events in recent history. Localized natural disasters, from riverine

flooding to sinkholes, have compromised infrastructure and tested the state's economic resilience.³⁰

Over the years, Louisiana residents have adjusted to flood risk in various ways. Locals have settled on higher ground along the rivers and bayous, built levees, and eventually turned to restoring wetlands. Over the next 50 years, Louisiana is projected to lose more land along its coast than it can rebuild, even if planned restoration efforts are completed. As land in the delta continues to subside and erode, sea level rise is expected to accelerate. In turn, salinity impacts wetlands, changes ecologies, and disrupts economies. With less wetland buffer, the state's coastal regions face increased storm surge and flood risk that will impact families and communities in ways large and small, acute and chronic.³¹

Land temperatures during Louisiana's summers are reaching 120 degrees Fahrenheit, with urban areas having the concentration of the highest temperatures. A contributing factor to higher temperatures in coastal Louisiana is the loss of trees and other vegetation due to disaster events, such as hurricanes. The Gulf of Mexico follows this warming trend caused by changes in the oceanic climate. Rising land and sea temperatures can lead to drought, crop failure, low livestock productivity, vegetation loss or disease, aquatic food chain disruption, and harmful algae or bacteria in coastal water. As the Gulf warms, the composition of the coastal ecology begins to change. Tropical black mangroves have replaced salt marsh plants in areas along the northern Gulf coast. This and other "tropicalizations" can affect the relationship the ecosystem has to fisheries and flood mitigation.³²

These factors have the potential to increase polluted runoff which negatively affects water quality, coastal habitats, and the organisms these habitats support. Additionally, polluted runoff has been known to impact water temperature, turbidity, salinity, dissolved oxygen levels, and bacteria levels which then lead to an impact on the associated habitats.

Nonpoint source pollution cannot be addressed by one entity or program by itself. It requires a comprehensive effort by many different organizations that are able to bring their resources and expertise to bear. Therefore, in addition to various state initiatives and programs to address nonpoint source pollution and improve coastal water quality in coastal Louisiana, there are additional efforts being carried out by federal and local governments, non-governmental organizations, and the private sector.

For example, the Louisiana Environmental Action Network (LEAN) is an environmental organization that aims to foster cooperation and communication between individual citizens, corporate organizations, and governmental entities in an effort to assess environmental problems in Louisiana. Most of the communities LEAN serve are low-income, minority populations which often have been termed "environmental justice"

³⁰ <http://s3.amazonaws.com/lasafe/Final+Adaptation+Strategies/Regional+Adaptation+Strategy.pdf>

³¹ <http://s3.amazonaws.com/lasafe/Final+Adaptation+Strategies/Regional+Adaptation+Strategy.pdf>

³² <http://s3.amazonaws.com/lasafe/Final+Adaptation+Strategies/Regional+Adaptation+Strategy.pdf>

communities. For nearly 30 years, LEAN has assisted communities with concerns including environmental and health related impacts from air pollution, hazardous waste, water pollution, landfills, municipal water treatment facilities, natural disasters and industrial accidents. LEAN particularly encourages public participation as a key component to creating solutions to the issues communities face regarding the environment. For example, given the large number of waterbodies in Louisiana, state and local government authorities cannot monitor all nearby activities all of the time. LEAN encourages community groups and individuals who can be a valuable source of help through volunteer water monitoring and promoting EPA's Adopt Your Watershed program. These and similar activities are likely to continue for the foreseeable future.

Another program aiding in nonpoint pollution reduction is the Louisiana Master Farmer Program. This program helps agricultural producers address environmental concerns and assists them with the production and resource management skills they need for the continued sustainability of Louisiana agriculture. The program helps producers across a wide range of agricultural and natural resource enterprises by teaching them more about environmental stewardship, conservation-based production techniques and resource management. The program uses a comprehensive approach that includes classroom instruction, observation of LSU AgCenter research-based BMPs and implementation of a comprehensive conservation plan. It also involves a voluntary producer certification process.³³

The 6217(g) management measures are designed to reduce and/or prevent polluted runoff, thus limiting stress caused by poor water quality on resources and local communities within the coastal nonpoint management area. While the programs that comprise Louisiana's coastal nonpoint program may cause limited cumulative socioeconomic effects on coastal communities and individuals that need to modify certain land management practices, such as those related to forest practices, dairy nutrient management, stormwater management, and waste disposal, government agencies and individuals have been subject to economic costs related to administering water quality and environmental management programs (including the coastal nonpoint program) for years. In addition, the programs that comprise the coastal nonpoint program already exist and are being implemented and will continue to be implemented at the federal, state or local level regardless of NOAA and the USEPA's finding that Louisiana has met all conditions of approvability on its coastal nonpoint program (i.e., full approval). Therefore, NOAA and EPA's action to find that Louisiana has satisfied all conditions of approvability on its coastal nonpoint program would not create any additional cumulative effects.

NOS concludes that the proposed action and the effects of implementing Louisiana's coastal nonpoint program will improve water quality and increase the potential for resources to sustain themselves. Further, NOS concludes that the action, when added to the other past, present, and reasonably foreseeable future actions within the coastal nonpoint program area will not significantly alter the ecosystem or have an adverse

³³ https://www.lsuagcenter.com/topics/environment/conservation/master_farmer

effect. Additionally, the proposed action, when combined with other actions, will not affect the potential for any resources in the coastal nonpoint management area to sustain themselves in the future. Therefore, NOS concludes that cumulative impacts to the proposed action, as defined under NEPA, are not significant.

C. PUBLIC REVIEW

On September 5, 1997, NOAA and the USEPA announced a 45-day public comment period on the proposed conditional approval findings, EA, and FONSI for the Louisiana coastal nonpoint program (62 FR 46950). NOAA received and responded to public comments. As noted above, full approval was one of the alternatives presented in the EA. Thus, the public has already been given one opportunity to comment on the environmental consequences of the action that is currently being proposed. On January 27, 2022, NOAA and the USEPA announced in the Federal Register decision to find that Louisiana has satisfied all conditions of approval on its coastal nonpoint program for a 30-day public comment period. One comment was received on this proposed decision. The comment raised no substantive issues on approvability of Louisiana's program. Thus, NOAA and the USEPA have provided multiple opportunities for public engagement, and the public has received sufficient notice and opportunity to comment on the proposed full approval of the Louisiana coastal nonpoint program. Little to no controversy is anticipated to be associated with the effects of the proposed action, which supports the conclusion that supplementing the EA is not necessary.

III. CONCLUSION

NOS has determined that there is not a need to supplement the existing Louisiana coastal nonpoint program EA in order to find that Louisiana has satisfied all conditions of approvability placed on its coastal nonpoint program. The changes to the proposed action and the new information and circumstances do not suggest the proposed action will result in significant adverse impacts, and the expected impacts of the action currently proposed were considered in the Louisiana EA. Therefore, the Louisiana EA and FONSI remain valid and NOS will continue to rely on them to support the proposed action.

IV. FINDING OF NO SIGNIFICANT IMPACT

Pursuant to section 6217 of Coastal Zone Act Reauthorization Amendments, the National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (USEPA) propose to find that Louisiana has satisfied all conditions of approvability placed on its coastal nonpoint pollution control program. In addition to the preferred alternative, NOAA and USEPA considered Louisiana additional alternatives: conditional approval, disapproval, and no action. The Final Programmatic

Environmental Assessment (PEA) prepared to evaluate potential consequences associated with approving and implementing the Louisiana Coastal Nonpoint Pollution Control Program concluded that the full approval of the Louisiana coastal nonpoint program will not result in any significant environmental impacts different from those analyzed in the 1996 Programmatic Environmental Impact Statement (PEIS) for the Coastal Nonpoint Pollution Control Program, which resulted in a Finding of No Significant Impact (FONSI). The Programmatic Environmental Assessment was tiered off the 1996 PEIS and focused on information specific to Louisiana. The analysis in the PEA indicates that potential environmental effects from full approval and implementation of the proposed Louisiana program (the preferred alternative) would not be significant individually or cumulatively. Thus, preparation of a Finding of No Significant Impact (FONSI) is warranted.

NOAA uses eleven criteria for determining the significance of the impacts of a proposed action. These criteria are discussed below as they relate to the proposed project. Each criterion is discussed below with respect to the proposed action and considered individually, as well as in combination with the others.

a. Has the agency considered both beneficial and adverse effects? (A significant effect may exist even if the Federal Agency believes on balance the effect will be beneficial.)

The agency has considered both beneficial and adverse effects, and no significant effects are anticipated. The primary beneficial effects of the Louisiana Coastal Nonpoint program relate to the improvement of Louisiana's water quality. Louisiana also expects the program to promote an improved coastal habitat, improved public health, increased aesthetic value of coastal areas and enhanced recreational opportunities as a result of cleaner water and healthier coastal habitats.

b. To what degree would the proposed action affect public health and safety?

The proposed approval decision would not be anticipated to have significant impacts on public health or safety because it would not alter any Louisiana programs already in operation. Additionally, the implementation of management measures reduces nonpoint source pollution generation from a variety of sources and minimizes the delivery of pollutants into Louisiana's land, surface water, and groundwater, which could result in minor improvements to public health and safety due to cleaner coastal waters.

c. To what degree would the proposed action affect unique characteristics of the geographic area in which the proposed action is to take place?

None. Though there are unique places within the Louisiana coastal nonpoint management area, the proposed action will not affect its unique characteristics because it does not create any new programs or initiatives. Finding that the state has satisfied all conditions of approval placed on its coastal nonpoint program does not create new programs or policies that change how Louisiana already manages nonpoint source

pollution; the programs and policies that comprise Louisiana's coastal nonpoint program already exist and are being implemented by state, local, and other entities regardless of NOAA and EPA's action.

d. To what degree would the proposed action have effects on the human environment that are likely to be highly controversial?

None. The effects of the proposed action would not be anticipated to be highly controversial. NOAA and EPA received public comment on the federal agencies' proposed approval, with conditions, of Louisiana's program in 1997 and may anticipate receiving comments on this proposed action as well. While some commenters may be opposed to the Federal Agencies' proposed decision, that does not mean the proposed action to find that Louisiana has satisfied the conditions of approvability on its coastal nonpoint program will have controversial effects on the human environment. The programs and authorities that comprise Louisiana's coastal nonpoint program are already in existence and being implemented at the state and local level and will continue to be implemented regardless of NOAA and USEPA's action. Therefore, NOAA and USEPA's action will not create any additional effect on the human environment beyond what is already occurring in absence of the action.

While NOAA and USEPA's proposed action would allow Louisiana to be eligible for future funding (if appropriated) to implement its coastal nonpoint program, any potential effects of that future funding on the human environment are unknown and speculative at this time. NOAA has mechanisms in place for evaluating any effects on the human environment if and when a future funding decision is made.

e. What is the degree to which effects are highly uncertain or involve unique or unknown risks?

None. There are no uncertain, unique, or unknown risks associated with the proposed approval action. The Louisiana Coastal Nonpoint Program consists entirely of existing state and local requirements, as well as voluntary educational and participatory activities, which do not have uncertain, unique, or unknown risks.

f. What is the degree to which the action establishes a precedent for future actions with significant effects or represents a decision in principle about a future consideration?

None. NOAA and EPA evaluate individually each proposed coastal nonpoint program by carefully reviewing all materials submitted by any conditionally approved state or territory to evaluate whether the information provided addresses applicable conditions for full approval. The finding that Louisiana has satisfied all conditions of approval on its coastal nonpoint program does not have any bearing on whether NOAA and USEPA will make similar findings of programs in other jurisdictions. Thus, this action does not

establish a precedent for future actions or represent a decision in principle about a future consideration.

g. Does the proposed action have individually insignificant but cumulatively significant impacts?

No, this action would not have any individually insignificant but cumulatively significant impacts. A finding that a state has satisfied all conditions of approvability on its coastal nonpoint program would facilitate continued investments in addressing coastal nonpoint pollution in Louisiana. These investments and other endeavors identified as components of the Louisiana Coastal Nonpoint Program would be expected to give Louisiana improved control of sources of nonpoint pollution and result in reduced pollutant levels entering coastal waters, improved water quality, and enhanced coastal habitat. The Louisiana Coastal Nonpoint Program has beneficial impacts on the physical, biological, and socioeconomic environment in Louisiana. Potential adverse effects would not exceed the ability of human or natural communities to withstand stress. Thus, neither the incremental effects of a finding that Louisiana has satisfied all conditions of approvability nor program implementation will have individually or cumulatively significant effects.

h. What is the degree to which the action adversely affects entities listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources?

None. Issuing a finding that Louisiana has satisfied all conditions of approval on its coastal nonpoint program is a federal action that would have no potential to affect historic properties or significant scientific, cultural, or historic resources in Louisiana because it is an administrative action. Prior to approving or providing funding (typically under the Coastal Zone Management Act) for other types of specific activities in Louisiana that address coastal nonpoint pollution, NOAA's Office for Coastal Management evaluates environmental compliance needs and ensures compliance with NHPA and all other applicable requirements. For example, targeted consultations under NHPA are conducted for those activities that have the potential to cause an adverse effect on historic properties. At that time, NOAA can provide to the Louisiana Department of Archaeology and Historic Preservation the site-specific details necessary to fully analyze the effects of specific actions to historic properties.

i. What is the degree to which endangered or threatened species, or their critical habitat, as defined under the Endangered Species Act of 1973, are adversely affected?

None. Finding that Louisiana has satisfied all conditions of approval on its coastal nonpoint program would have no effect on threatened and endangered species or their critical habitat. State projects aimed at managing, quantifying, and controlling coastal nonpoint pollution funded by NOAA under the Coastal Zone Management Act are evaluated individually with respect to their potential to affect resources protected pursuant to the Endangered Species Act; appropriate procedures are followed if there is

a need to consult with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

j. Does the proposed action have the potential to violate federal, state, or local law for environmental protection?

No. Finding that Louisiana has satisfied all conditions of approval on its coastal nonpoint program does not have the potential to violate federal, state, or local law. Federally-supported projects intended to reduce coastal nonpoint pollution are required to comply with all applicable federal, state, and local laws, including those for environmental protection. Given project review at the state and federal level, no violation of environmental protection laws is threatened.

k. Will the proposed action result in the introduction or spread of a non-indigenous species?

No. Finding that Louisiana has satisfied all conditions of approval on its coastal nonpoint program will not result in the introduction or spread of any non-indigenous species. Neither the components identified as planned parts of the Louisiana Coastal Nonpoint Program nor federally-supported nonpoint pollution reduction projects would be expected to introduce any invasive species because they would be subject to federal and state requirements and best management practices intended to reduce the spread of non-indigenous species. The Louisiana Department of Natural Resources, other state agencies, and other entities are involved in invasive species management.

Finding of No Significant Impact

State of Louisiana Coastal Nonpoint Pollution Control Program

Analysis of Full Approval Decision

In view of the information and analysis presented in the attached Programmatic Environmental Assessment evaluating consequences related to the federal approval decision about the Louisiana Coastal Nonpoint Pollution Control Program and program implementation, it is hereby determined that finding that Louisiana has satisfied all conditions of approval on its coastal nonpoint program will not significantly impact the quality of the human environment, as described above and in the supporting Programmatic Environmental Assessment. In addition, all beneficial and adverse impacts of the proposed action have been addressed to reach the conclusion of no significant impacts. Accordingly, preparation of an Environmental Impact Statement for this action is not necessary.

Keelin Kuipers
Deputy Director
Office for Coastal Management

Date

ATTACHMENTS:

Original PEIS
EA/FONSI for Conditional Approval of Louisiana program
Conditional Approval Findings
Finding that Louisiana has Satisfied all Conditions of Approval on its Coastal Nonpoint Program