2018 Regular Session

HOUSE BILL NO. 49

BY REPRESENTATIVE GISCLAIR

COASTAL RES/WETLANDS: Authorizes coastal restoration and protection projects as compensatory wetlands mitigation

1	AN ACT
2	To amend and reenact R.S. 49:214.41(A)(1) and (C), relative to mitigation of coastal
3	wetlands; to authorize construction or implementation of an integrated coastal
4	protection project as compensatory wetlands mitigation; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 49:214.41(A)(1) and (C) are hereby amended and reenacted to read
8	as follows:
9	§214.41. Mitigation of coastal wetlands losses
10	A. As used in this Section, the following terms shall have the meaning
11	ascribed to them below:
12	(1) "Compensatory mitigation" means replacement, substitution,
13	enhancement, or protection of ecological values to offset anticipated losses of those
14	values caused by a permitted activity. Compensatory mitigation may also include
15	construction or implementation of an integrated coastal protection project consistent
16	with the state's master plan for coastal protection and restoration.
17	* * *
18	C. Compensatory mitigation, including construction or implementation of
19	an integrated coastal protection project consistent with the state's master plan for
20	coastal protection and restoration, at a level sufficient to replace or to substitute for

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 the ecological value of the wetlands lost as a result of each permitted activity, shall 2 be required, unless the permittee has satisfactorily demonstrated to the secretary that 3 the required mitigation would render impracticable an activity proposed to be 4 permitted and that such activity has a clearly overriding public interest. In such an 5 instance, provided that the secretary has decided to issue the permit, the secretary 6 shall grant a variance to this compensatory mitigation requirement after giving due 7 public notice. The secretary shall also provide a statement of finding as to the 8 reasons for granting such variance. 9

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abstract: Includes integrated coastal protection projects as compensatory wetlands mitigation.

<u>Present law</u> generally requires mitigation for damage done to coastal wetlands. Requires the secretary of the Department of Natural Resources to adopt regulations requiring such mitigation. Also requires compensatory mitigation at a level sufficient to replace or substitute for the wetlands lost due to permitted activities in the coastal area. Defines compensatory mitigation as the replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses.

<u>Proposed law</u> authorizes the inclusion of integrated coastal protection projects consistent with the state's coastal master plan as compensatory wetlands mitigation caused by a permitted activity.

(Amends R.S. 49:214.41(A)(1) and (C))