

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 within the same
17 watershed as the permitted activity.

18 * * *

19 C. Compensatory mitigation, including construction or implementation of
20 an integrated coastal protection project consistent with the state's master plan for

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

11 * * *

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.

Present law generally requires mitigation for damage done to coastal wetlands. Requires the secretary of the Dept. 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.

Proposed law authorizes the inclusion of integrated coastal protection projects consistent with the state's coastal master plan and located within the same watershed as the permitted activity as compensatory wetlands mitigation for negative impacts caused by a permitted activity.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Provide that the coastal protection project must be located within the same watershed as the permitted activity.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.