

First Extraordinary Session, 2005

SENATE BILL NO. 71

BY SENATORS DUPRE, AMEDEE, BAJOIE, CAIN, CHAISSON, CHEEK, CRAVINS, DUPLESSIS, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HEITMEIER, HINES, HOLLIS, JONES, LENTINI, MALONE, MARIONNEAUX, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SHEPHERD AND ULLO

COASTAL RESOURCES. Authorizes development and implementation of a comprehensive coastal protection plan. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 49:213.1, 213.2, 213.3, 213.4, 213.5, 213.6, 213.7, 214.11,

3 214.12(A)(1) and 214.13, and to enact R.S. 49:213.11, relative to coastal protection,

4 conservation, restoration and management; to authorize and provide for the

5 development and implementation of a comprehensive coastal protection plan; to

6 provide powers, duties, terms, procedures, definitions, conditions, and requirements;

7 to provide relative to hurricane protection and coastal restoration; to provide relative

8 to enforcement; to provide relative to certain authorities, commissions, and

9 departments; to change the name of the Wetlands Conservation and Restoration

10 Authority to the Coastal Protection and Restoration Authority and set forth its

11 powers, duties and members; to change the name of the Governor's Advisory

12 Commission on Coastal Restoration and Conservation to the Governor's Advisory

13 Commission on Coastal Protection, Restoration and Conservation and set forth its

14 powers, duties, and members; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 49:213.1, 213.2, 213.3, 213.4, 213.5, 213.6, 213.7, 214.11,

17 214.12(A)(1) and 214.13 are hereby amended and reenacted and R.S. 49:213.11 is hereby

1 enacted to read as follows:

2 PART II. LOUISIANA COASTAL WETLANDS PROTECTION,

3 CONSERVATION, RESTORATION, AND MANAGEMENT

4 SUBPART A. WETLANDS CONSERVATION

5 COASTAL PROTECTION AND RESTORATION AUTHORITY

6 §213.1. Statement of intent

7 A. Louisiana and its citizens have suffered catastrophic losses and
 8 human, economic, and social harm. For the benefit and protection of the state
 9 as a whole, its citizens, and its localities, hurricane protection is vital to survival.
 10 Hurricane protection and coastal restoration must be integrated to achieve a
 11 long-term solution of coastal protection. In addition to immediate needs for
 12 hurricane protection, coastal Coastal land loss in Louisiana continues in
 13 catastrophic proportions. Wetlands loss threatens valuable fish and wildlife
 14 production and the viability of residential, agricultural, energy and industrial
 15 development in coastal Louisiana.

16 B. In the past, efforts by the state to address the myriad, interrelated
 17 problems of coastal protection ~~land loss~~ have been inadequate, fragmented,
 18 uncoordinated, and lacking in focus and strong direction. The state must have the
 19 authority to articulate a clear statement of priorities and to focus development
 20 and implementation of efforts to achieve comprehensive coastal protection.
 21 Without this authority, the safety of citizens, the viability of the state and local
 22 economies, and the long-term recovery from disasters such as hurricanes
 23 Katrina and Rita remain in jeopardy. Meanwhile, ~~coastal deterioration has~~
 24 ~~escalated to a point such that the potential for vegetated wetlands restoration and~~
 25 ~~enhancement in particular is declining rapidly.~~

26 C. The state must act to develop, implement, and enforce a
 27 comprehensive coastal protection plan. The state must act to ensure that the
 28 plan integrates hurricane protection and coastal restoration efforts in order to
 29 achieve long-term and comprehensive coastal protection. Comprehensive

1 coastal protection must proceed in a manner recognizing that the proper
 2 functioning of each protective element is critical to the overall success of the
 3 plan, and that without such proper functioning the safety of the state and its
 4 citizens and the viability of the entire plan are threatened. Comprehensive
 5 coastal protection must further proceed in a manner recognizing the powers
 6 and duties of levee districts and political subdivisions to fund and manage local
 7 activities that are consistent with the goals of a comprehensive coastal
 8 protection plan. The state must act immediately to conserve, restore, create, and
 9 enhance ~~vegetated~~ wetlands and barrier shorelines or reefs in coastal Louisiana
 10 while encouraging use of coastal resources and recognizing that it is in the public
 11 interest of the people of Louisiana to establish a responsible balance between
 12 development and conservation. Management of renewable coastal resources must
 13 proceed in a manner that is consistent with and complementary to the efforts to
 14 establish a proper balance between development and conservation.

15 D. It is the intention of the legislature that comprehensive coastal
 16 protection ~~wetlands conservation and restoration be elevated in tandem~~ be elevated
 17 to a position within state government of high visibility and action and that hurricane
 18 protection and conservation and restoration of the coastal area ~~the conservation,~~
 19 ~~restoration, creation, and nourishment of coastal vegetated wetlands~~ be of high
 20 priority within that structure. To provide aggressive state leadership, direction, and
 21 consonance in the development and implementation of policies, plans, and programs
 22 to achieve comprehensive coastal protection, including the encouragement of
 23 ~~encourage~~ multiple uses of the coastal zone and to achieve a proper balance between
 24 development and conservation, restoration, creation, and nourishment of renewable
 25 coastal resources, the legislature places responsibility for the direction and
 26 development of the state's comprehensive master coastal protection ~~coastal~~
 27 ~~vegetated wetlands conservation and restoration plan in the Wetlands Conservation~~
 28 plan in the Coastal Protection and Restoration Authority within the office of the
 29 governor. Primary responsibility for carrying out the elements of the plan relative

1 to coastal wetlands conservation and restoration is placed in the office of coastal
 2 restoration and management within the Department of Natural Resources. Primary
 3 responsibility for carrying out the elements of the plan relative to hurricane
 4 protection is placed in the office of public works and intermodal transportation
 5 within the Department of Transportation and Development. In order to
 6 maximize coastal protection, the secretaries of the Department of Natural
 7 Resources and the Department of Transportation and Development, and the
 8 governor's executive assistant for coastal activities, shall use an integrated team
 9 effort to jointly coordinate master plan development with federal agencies, levee
 10 districts, and political subdivisions.

11 §213.2. Definitions

12 As used in this Part, the following terms shall have the meaning ascribed to
 13 them below:

14 (1) “Annual plan” means the state coastal protection plan annually
 15 submitted to the legislature as provided in this Part and amendments to the
 16 plan.

17 (1)(2) "Authority" means the ~~Wetlands Conservation~~ Coastal Protection and
 18 Restoration Authority.

19 (3) “Coastal area” means the Louisiana Coastal Zone and contiguous
 20 areas subject to storm or tidal surge.

21 (4) “Coastal protection” means plans, projects, policies and programs
 22 intended to provide hurricane protection or coastal, or coastal wetland,
 23 conservation and restoration.

24 (2)(5) “Conservation and restoration” means the conservation, protection,
 25 enhancement, and restoration of coastal wetlands resources including but not
 26 limited to coastal ~~vegetated~~ wetlands and barrier shorelines or reefs through the
 27 construction and management of coastal wetlands enhancement projects, including
 28 privately funded marsh management projects or plans, and those activities requiring
 29 a coastal use permit which significantly affect such projects or which significantly

1 diminish the benefits of such projects or plans insofar as they are intended to
2 conserve or enhance coastal wetlands consistent with the legislative intent as
3 expressed in R.S. 49:213.1.

4 ~~(3)~~**(6)** "Executive assistant" means the special assistant to the governor for
5 coordination of coastal activities.

6 ~~(4)~~**(7)** "Fund" means the Coastal Protection ~~Wetlands Conservation~~ and
7 Restoration Fund.

8 ~~(5)~~ "Plan" means the state coastal vegetated wetlands conservation and
9 restoration plan and amendments to the plan.

10 **(8) "Hurricane protection" means a system of barriers and associated**
11 **elements to provide protection against tidal surges.**

12 **(9) "Master plan" or "comprehensive master coastal protection plan"**
13 **means the long-term comprehensive coastal protection plan combining**
14 **hurricane protection and the protection, conservation, restoration, and**
15 **enhancement of coastal wetlands, and barrier shorelines or reefs and**
16 **amendments to the plan. It shall include, but not be limited to, state and**
17 **political subdivision operations plans.**

18 **(10) "Program" means a management strategy with procedures,**
19 **projects, schedules, operations and related activities to achieve a stated goal or**
20 **objective.**

21 ~~(6)~~**(11)** "Project" means a physical structure or structures designed and
22 constructed according to the annual plan.

23 ~~(7)~~ "Task Force" means the ~~Wetlands Conservation and Restoration Task~~
24 Force.

25 §213.3. Creation; personnel

26 A. The Coastal Protection ~~Wetlands Conservation~~ and Restoration
27 Authority is hereby created within the office of the governor. The authority is
28 hereby established, and shall exercise the powers and duties hereinafter set forth or
29 otherwise provided by law.

1 B. The authority shall be composed of the executive assistant to the governor
2 for coastal activities and ~~the Task Force~~ **other members as provided by law**. The
3 executive assistant shall be appointed by the governor, subject to Senate
4 confirmation, to serve at his pleasure. He shall report directly to the governor.

5 C. The governor, through the executive assistant, consistent with the
6 legislative intent as expressed in R.S. 49:213.1, shall coordinate the powers, duties,
7 functions, and responsibilities of any state agency relative to coastal ~~wetlands~~
8 ~~conservation and~~ **protection and** restoration and shall administer the programs of
9 the authority. The executive assistant shall employ necessary staff to carry out the
10 duties and functions of the authority as provided in this Part or as otherwise provided
11 by law, **and may seek and utilize the assistance of personnel in any state**
12 **department or agency to carry out the duties and functions as provided in this**
13 **Part or otherwise provided by law.**

14 §213.4. Powers and duties

15 A. The authority shall:

16 **(1) Represent the state's position in policy relative to the protection,**
17 **conservation and restoration of the coastal area through the oversight of coastal**
18 **restoration and hurricane protection projects and programs and addressing**
19 **those activities requiring a coastal use permit which significantly affect such**
20 **projects and programs, all consistent with the legislative intent as expressed in**
21 **R.S. 49:213.1.**

22 **(2) Develop, coordinate, report and provide oversight of a comprehensive**
23 **coastal protection master plan and annual coastal protection plans, working in**
24 **conjunction with state agencies, levee districts, political subdivisions, and**
25 **federal agencies. The coastal protection master plan shall include a**
26 **comprehensive strategy addressing the protection, conservation and restoration**
27 **of the coastal area through the construction and management of hurricane**
28 **protection projects and coastal restoration projects, all consistent with the**
29 **legislative intent as expressed in R.S. 49:213.1. The annual coastal protection**

1 plan shall be developed and submitted to the legislature for approval as set
2 forth in this Part. The annual coastal protection plan shall include a description
3 and status of all projects and programs pertaining to hurricane protection and
4 coastal restoration, including privately funded wetland enhancement projects
5 or plans, and addressing those activities requiring a coastal use permit which
6 significantly affect projects set forth in the plan, all consistent with the
7 legislative intent as expressed in R.S. 49:213.1.

8 ~~(1) Develop a comprehensive policy addressing the conservation and~~
9 ~~restoration of coastal wetlands resources through the construction and management~~
10 ~~of coastal vegetated wetlands enhancement projects, including privately funded~~
11 ~~marsh management projects or plans, and addressing those activities requiring a~~
12 ~~coastal use permit which significantly affect such projects, all consistent with the~~
13 ~~legislative intent as expressed in R.S. 49:213.1.~~

14 ~~(2)~~**(3) Submit to the legislative committees on natural resources, and**
15 **transportation, highways, and public works for their approval the annual**
16 **coastal protection plan developed pursuant to R.S. 49:213.6.** Develop and submit
17 to the legislative committees on natural resources for their approval a plan developed
18 pursuant to R.S. 49:213.6 for conserving and restoring the state's coastal vegetated
19 wetlands, consistent with legislative intent and with the policy developed by the
20 authority. Upon approval of the **annual** plan by the legislative committees on
21 natural resources, **and transportation, highways, and public works** and prior to
22 implementation of the **annual** plan, in whole or in part, the **annual** plan shall be
23 approved by the legislature as provided in R.S. 49:213.6(D).

24 ~~(3)~~**(4) Have the right and the authority to approve all requests for**
25 **programs and projects pertaining to hurricane protection and coastal**
26 **conservation and restoration insofar as such requests are for funds to be**
27 **appropriated from the Coastal Protection and Restoration Trust Fund;** Approve
28 all requests for programs and projects pertaining to coastal wetlands conservation
29 and restoration insofar as such requests are for funds to be appropriated from the

1 ~~Wetlands Conservation and Restoration~~ provided that (a) the office of coastal
 2 restoration and management, ~~coastal restoration division~~, of the Department of
 3 Natural Resources shall receive any monies appropriated from the fund and shall
 4 implement any program or project pertaining to coastal wetlands conservation
 5 and restoration; and (b) the office of public works and intermodal
 6 transportation of the Department of Transportation and Development shall
 7 receive monies appropriated from the fund and shall implement any program
 8 or project pertaining to hurricane protection, in conjunction with political
 9 subdivisions.

10 (5) Authorize the development of procedures in accordance with the
 11 Administrative Procedure Act and the taking of actions against any entity,
 12 including a political subdivision, for the enforcement of, and compliance with,
 13 the comprehensive master coastal protection plan. Such procedures and actions
 14 include, but are not limited to, determinations of noncompliance; appeal from
 15 such determinations; the taking of administrative action, including the
 16 withholding of funds; and civil action, including the seeking of injunctive relief
 17 or any other remedy necessary to ensure compliance with the plan.

18 ~~(4)~~(6) Be authorized to delegate any of its powers, duties, and functions to
 19 the executive assistant.

20 B. The governor, through the executive assistant, shall:

21 (1) Coordinate all state departmental budget requests for programs and
 22 projects pertaining to coastal protection, including hurricane protection and
 23 coastal wetlands conservation and restoration as well as all requests for funds to be
 24 appropriated from the ~~Wetlands Conservation and Restoration~~ Coastal Protection
 25 and Restoration Trust Fund.

26 (2) Coordinate and focus the functions of all state agencies as they relate to
 27 coastal protection, including hurricane protection and wetlands conservation and
 28 restoration.

29 (3) Review and reconcile state agency comments on federally sponsored

1 **coastal protection projects, including hurricane protection,** water resource
2 development projects or permitted conservation and restoration activities to establish
3 and present the official state position which shall be consistent with the policies of
4 the authority.

5 (4) Represent the policy and consensus viewpoint of the state at the federal,
6 regional, state, and local levels with respect to **coastal protection, including**
7 **hurricane protection and** wetlands conservation and restoration.

8 (5) Appraise the adequacy of statutory and administrative mechanisms for
9 coordinating the state's policies and programs at both the intrastate and interstate
10 levels with respect to **coastal protection, including hurricane protection and**
11 wetlands conservation and restoration.

12 (6) Appraise the adequacy of federal, regional, state, and local programs to
13 achieve the policies and meet the goals of the state with respect to **coastal**
14 **protection, including hurricane protection and** wetlands conservation and
15 restoration.

16 (7) Oversee and coordinate federal and state-funded research related to
17 **coastal protection, including** coastal land loss and subsidence, **and the effects of**
18 **storm surge.**

19 (8) Coordinate and focus federal involvement in Louisiana with respect to
20 **coastal protection, including hurricane protection and** coastal wetlands
21 conservation and restoration.

22 (9) Provide the official state recommendations to the legislature and congress
23 with respect to policies, programs, and coordinating mechanisms relative to **coastal**
24 **protection, including hurricane protection and** wetlands conservation and
25 restoration, or wetlands loss **and storm surge** research.

26 (10) Monitor and seek available federal and private funds consistent with the
27 purposes of the Part.

28 (11) Manage his personnel as provided by law.

29 (12) Manage his budget, office, and related functions as provided by law.

1 (13) Report annually to the legislative committees on natural resources, **and**
2 **transportation, highways, and public works** as to the progress of the projects and
3 programs enumerated in the plan **or any component thereof**. For each project or
4 program, estimated construction and maintenance costs, progress reports, and
5 estimated completion timetables shall be provided.

6 (14) Perform such powers, duties, and functions as may be delegated to him
7 by the authority.

8 C. The governor, through his executive assistant, may, in an effort to
9 advance the plan or purposes of this Part, within any department, agency, board, or
10 commission:

11 (1) Review and modify policies, procedures, or programs not established or
12 approved by the legislature or pursuant to the Administrative Procedure Act that may
13 affect the design, construction, operation, management, and monitoring and more
14 particularly to require expeditious permitting of **coastal protection projects,**
15 **including hurricane protection projects,** restoration projects, wetlands
16 enhancement or marsh management plans, or expenditures from the Fund.

17 (2) Review and request modifications of state departmental policies,
18 procedures, programs, rules, and regulations that are established by law or pursuant
19 to the Administrative Procedure Act that may affect the design, construction,
20 operation, management, and monitoring of **coastal protection projects, including**
21 **hurricane protection projects,** restoration projects, wetlands enhancement or marsh
22 management plans, or expenditures from the Fund. Such rule changes shall be
23 initiated by the appropriate department.

24 (3) Appoint advisory panels.

25 (4) Accept and use, in accordance with law, gifts, grants, bequests, and
26 endowments for purposes consistent with responsibilities and functions of the agency
27 and take such actions as are necessary to comply with any conditions required for
28 such acceptance.

29 (5) Utilize the services of other executive departments of state government

1 upon mutually agreeable terms and conditions.

2 ~~(6) Repealed by Acts 1990, No. 661, §2; Acts 1990, No. 936, §2.~~

3 ~~(7)~~**(6)** Take such other actions not inconsistent with law as are necessary to
4 perform properly the functions of the authority.

5 ~~(8)~~**(7)** Review and modify proposed coastal use permits prior to issuance to
6 the extent that such permits seek to authorize activities which significantly affect
7 **hurricane protection or** wetlands conservation and restoration projects or which
8 significantly diminish the benefits of such projects insofar as they are intended to
9 **protect,** conserve or enhance coastal ~~wetlands~~ **areas** and to require the issuance of
10 permits for public or private wetlands enhancement projects or plans.

11 D. Approval by the authority shall be required for any request by a state
12 agency or department for any funds to finance research, programs, or projects
13 involving **coastal protection, including hurricane protection or** the conservation
14 and restoration of coastal wetlands resources; however, this Subsection shall not
15 affect self-generated or dedicated funds.

16 §213.5. ~~Wetlands Conservation~~ **Coastal Protection** and Restoration Task Force

17 **Authority; members**

18 A. ~~The Wetlands Conservation~~ **Coastal Protection** and Restoration Task
19 Force is hereby created within the ~~Wetlands Conservation and Restoration~~ Authority
20 **shall consist of the following members:**

21 ~~B. The task force shall be composed of the following members:~~

22 (1) Executive Assistant ~~of the governor~~ **to the governor for coastal**
23 **activities.**

24 (2) Secretary of the Department of Natural Resources **or their designee.**

25 (3) Secretary of the Department of Wildlife and Fisheries **or their designee.**

26 (4) Secretary of the Department of Environmental Quality **or their designee.**

27 (5) Secretary of the Department of Transportation and Development **or their**
28 **designee.**

29 (6) ~~Assistant Chief of Staff for Health, Welfare, and Environment (governor's~~

1 office) Secretary of the Department of Economic Development or their designee.

2 (7) Commissioner of administration or their designee.

3 (8) ~~The director of the State Soil and Water Conservation Committee~~

4 Commissioner of agriculture and forestry or their designee.

5 (9) Commissioner of insurance or their designee.

6 (10) Three presidents of levee boards having districts located in whole
7 or in part within the Louisiana Coastal Zone.

8 The twelve levee districts in the Louisiana Coastal Zone shall be grouped
9 in three zones as follows: Region 1 - Pontchartrain Levee District, Orleans
10 Levee District and East Jefferson Levee District. Region 2 - Atchafalaya Levee
11 District, Lafourche Basin Levee District, Terrebonne Levee and Conservation
12 District, and South Lafourche Levee District. Region 3 - Lake Borgne Basin
13 Levee District, West Jefferson Levee District, Grand Isle Independent Levee
14 District, and Plaquemine Parish Government.

15 The levee districts in each region shall annually select a designee, who
16 shall be the president of one of the levee districts in that region, and who shall
17 serve as a member for a term of one year.

18 (11) Two members selected by the Police Jury Association of Louisiana
19 from their members who reside in the coastal area. One member from a parish
20 west of the Atchafalaya River and one member from a parish east of the
21 Atchafalaya River. Both members shall not reside in the same parish.

22 (12) The chair of the Governor's Advisory Commission on Coastal
23 Protection, Restoration, and Conservation or their designee.

24 (13) The director of the state office of homeland security and emergency
25 preparedness or their designee.

26 (14) The chairman of the Senate Natural Resources Committee or their
27 designee.

28 (15) The chairman of the House Natural Resources Committee or their
29 designee.

1 **(16) The chairman of the Senate Transportation, Highways, and Public**
2 **Works Committee or their designee.**

3 **(17) The chairman of the House Transportation Committee or their**
4 **designee.**

5 **(18) A senator who represents a portion of the coastal area, appointed by**
6 **the president of the Senate.**

7 **(19) A representative who represents a portion of the coastal area,**
8 **appointed by the speaker of the House.**

9 C. The executive assistant shall serve as chairman ~~of the task force~~ and shall
10 develop procedures for the operation of the ~~task force~~ **authority**. **A member of the**
11 **authority who represents a political subdivision shall recuse himself from**
12 **deliberations and voting on any matter concerning the taking of action against**
13 **that political subdivision for noncompliance with the plan.**

14 §213.6. ~~Wetlands conservation and restoration~~ **Coastal protection annual** plan;
15 development; priorities

16 A.(1) The authority shall, in accordance with the procedures set forth herein,
17 develop the **an annual coastal protection** plan ~~which shall serve as the state's~~
18 ~~overall strategy for~~ **protecting**, conserving and restoring **the coastal area through**
19 **the construction and management of hurricane protection and coastal**
20 **restoration projects and programs**, ~~coastal wetlands through the construction and~~
21 ~~management of coastal wetlands enhancement projects, including privately funded~~
22 marsh management projects or plans, and addressing those activities requiring a
23 coastal use permit which significantly affect such projects, all consistent with the
24 legislative intent as expressed in R.S. 49:213.1, and which plan shall be subject to
25 the approval of the legislature as provided in R.S. 49:213.6(D). **The annual plan**
26 **shall include funding requests for projects and programs related to hurricane**
27 **protection and coastal restoration.**

28 (2) The authority shall annually develop ~~the~~ **such** plan in accordance with
29 the following procedure:

1 (a) The authority shall conduct not less than three public hearings in separate
2 locations in the western, central, and eastern areas of the coastal zone for the purpose
3 of receiving comments and recommendations from the public and elected officials.
4 All public hearings must be held at least sixty days prior to the submission of the
5 plan to the legislature.

6 (b) At least two weeks prior to each public hearing the authority shall contact
7 the parish governing authorities, levee districts and the state legislators of the
8 parishes in the coastal zone for the purpose of soliciting their comments and
9 recommendations and notifying them of the public hearing to be held in their area.

10 (c) Ten days prior to the first such public hearing the authority shall publish
11 in the state register and the official state journal the schedule of public hearings
12 setting out the location, place, and time of all the hearings.

13 (d) At least seven days prior to each hearing the authority shall publish a
14 notice of the hearing in the official journal of each parish within the area of the
15 hearing. The notice of a hearing shall have been published in the official journal of
16 each parish in the coastal zone prior to the final scheduled public hearing. The
17 authority may provide for additional public hearings when necessary upon at least
18 three days notice published in the official journal of the parishes in the area of the
19 hearing and written notice to the parish governing authorities.

20 (e) The authority shall receive written comments and recommendations until
21 thirty days prior to the submission of the plan to the legislative committees.

22 B. The annual coastal protection plan shall address hurricane protection
23 and coastal restoration efforts from both short and long-range perspectives and
24 shall incorporate structural, management and institutional components of both
25 efforts ~~coastal land loss problems from both short and long-range perspectives and~~
26 ~~shall incorporate structural, management, and institutional components.~~ The plan
27 shall include but not be limited to the following:

28 (1) A list of projects and programs required for the protection, conservation
29 and restoration of ~~coastal wetlands~~ the coastal area and the action required of each

1 state agency to implement said project or program.

2 (2) A schedule and estimated cost for the implementation of each project or
3 program included in the plan.

4 C.(1) Where feasible, the plan shall include scientific data and other reasons,
5 including but not limited to the social, geographic, economic, **engineering** and
6 biological considerations as to why each project or program was selected for
7 inclusion. Specifically, this will include an explanation as to how each project or
8 program advances the plan objectives with respect to the ~~management, conservation,~~
9 ~~or enhancement of vegetated wetlands areas~~ **protection, conservation and**
10 **restoration of the coastal area.**

11 (2) Prior to recommending any project for inclusion in the **annual coastal**
12 **protection** plan, the authority shall identify and declare in writing:

13 (a) The public use benefits intended to be derived from the project which
14 justify the project.

15 (b) The use benefits which private landowners are expected to derive from
16 the project.

17 (c) The manner in which the benefits will be realized over the life of the
18 project.

19 (d) The entities or persons who will be responsible for the long-term
20 operation and maintenance of the project both in terms of manpower and cost.

21 (e) The entities or persons who will be responsible for monitoring the project
22 to ensure that it is functioning properly and realizing the intended public and private
23 benefits.

24 D.(1) The **annual coastal protection** plan shall be submitted to the natural
25 resources, **and transportation, highways, and public works** committees of the
26 legislature on or before the first day of the regular legislative session of each year
27 beginning in 1991; however, the plan shall not be effective or implemented unless
28 both houses in the legislature approve or fail to disapprove the plan in accordance
29 with this Subsection.

1 (2)(a) The natural resources, **and transportation, highways, and public**
2 **works** committees shall approve or disapprove of the plan on or before May fifteenth
3 of each calendar year.

4 (b) If either committee disapproves the plan, it shall send the plan back to
5 the authority together with a brief summary of the reasons for disapproval and may
6 make recommendations concerning changes it deems necessary or appropriate to
7 remedy any deficiencies in the plan. Disapproval by a committee shall constitute
8 disapproval by its respective house of the legislature, unless that house subsequently
9 approves the plan by resolution.

10 (c) If the plan is approved, the committee shall submit the plan to the
11 legislature for approval as provided for in Paragraphs (3), (4), and (5) of this
12 Subsection. Should the natural resources, **and transportation, highways, and**
13 **public works** committees in either house fail to report the plan and proposed
14 recommendations, if any, to its respective house, then a majority of the elected
15 members of the respective house may, by motion or by simple resolution direct the
16 committee to report the plan to the house, in which case the committee so directed
17 shall report the instrument as directed.

18 (3)(a) The legislature may approve or disapprove of the plan by resolution
19 adopted by a majority vote of the members of each house of the legislature provided
20 that such resolution is adopted on or before June first of each calendar year.

21 (b) Any such resolution shall be subject to the same requirements and
22 procedures for the introduction of a bill and shall be read on three separate days prior
23 to being considered by the legislative body; however, it shall not be referred to a
24 committee and shall be taken up by the respective house in accordance with its rules.

25 (c) If the legislature disapproves of the plan, it shall include in the resolution
26 a brief summary of the reasons for disapproval and may make recommendations
27 concerning any changes it deems necessary or appropriate to remedy any
28 deficiencies in the plan.

29 (4) If the legislature approves the plan, or if the legislature fails to

1 disapprove the plan by June first, the authority shall implement the plan. The
2 projects and programs provided for in the plan shall be undertaken in conformity
3 with the order of priority as contained in the plan.

4 (5) At any time subsequent to the adoption and/or implementation of the plan
5 in accordance with the procedure set forth herein, the authority may amend or
6 supplement the plan to add or delete projects and programs. No project shall be
7 added or deleted unless and until the amendment to the plan is approved as provided
8 herein. Any amendment to the plan submitted to the legislature shall conform to the
9 requirements specified in R.S. 49:213.6(B) and (C).

10 §213.7. Funding

11 A.(1) To provide a dedicated, recurring source of revenue for the
12 development and implementation of a program to ~~conserve and restore Louisiana's~~
13 ~~coastal vegetated wetlands~~ **provide coastal protection**, there shall be established in
14 the state treasury on the effective date of this Subpart the ~~Wetlands Conservation and~~
15 ~~Restoration~~ **Coastal Protection and Restoration** Fund.

16 (2) Of all mineral revenues received in each fiscal year by the state including
17 those received as a result of the production of or exploration for minerals, hereinafter
18 referred to as mineral revenues from severance taxes, royalty payments, bonus
19 payments, or rentals, and excluding such revenues received by the state as a result
20 of grants or donations when the terms or conditions thereof require otherwise, the
21 treasurer shall make the following allocations:

22 (a) To the Bond Security and Redemption Fund as provided in Article VII,
23 Section 9(B) of the Constitution of Louisiana.

24 (b) To the political subdivisions of the state as provided in Article VII,
25 Sections 4(D) and (E) of the Constitution of Louisiana.

26 (c) As provided by the requirements of Article VII, Sections 10-A and 10.1
27 of the Constitution of Louisiana.

28 B.(1) After making the allocations provided for in Subsection A of this
29 Section, the treasurer shall then deposit in and credit to the ~~Wetlands Conservation~~

1 ~~and Restoration~~ **Coastal Protection and Restoration** Fund any amount of mineral
2 revenues that may be necessary to insure that a total of five million dollars is
3 deposited into such fund for the fiscal year from this source; provided that the
4 balance of the fund which consists of mineral revenues from severance taxes, royalty
5 payments, bonus payments, or rentals shall not exceed the amount provided in
6 Subsection D of this Section.

7 (2) After making the allocations and deposits as provided for in Subsections
8 A and B(1) of this Section, the treasurer shall deposit in and credit to the ~~Wetlands~~
9 ~~Conservation and Restoration~~ Fund as follows:

10 (a) Two percent of the mineral revenues received in excess of the allocations
11 provided for in Subsections A and B(1) of this Section. The treasurer shall reduce the
12 deposit made pursuant to this Subparagraph by the amount of deposits made pursuant
13 to Subparagraphs (b) and (c) of this Paragraph.

14 (b) Ten million dollars of the mineral revenues in excess of six hundred
15 million dollars which remain after the allocations provided for in Subsection A are
16 made by the treasurer.

17 (c) Ten million dollars of the mineral revenues in excess of six hundred fifty
18 million dollars which remain after the allocations provided in Subsection A are made
19 by the treasurer.

20 C. The treasurer shall deposit in and credit to the fund the amount of mineral
21 revenues as provided for herein.

22 D. The money in the fund shall be invested as provided by law and any
23 earnings realized on investment of money in the fund shall be deposited in and
24 credited to the fund. Money from other sources, such as donations, appropriations,
25 or dedications, may be deposited in and credited to the fund; however, the balance
26 of the fund which consists of mineral revenues from severance taxes, royalty
27 payments, bonus payments, or rentals shall not exceed five hundred million dollars.
28 Any unexpended money remaining in the fund at the end of the fiscal year shall be
29 retained in the fund.

1 E. The money in the ~~Wetlands Conservation and Restoration Fund~~ **Coastal**
 2 **Protection and Restoration Fund** is subject to appropriations by the legislature
 3 ~~only to the coastal restoration division within the office of coastal restoration and~~
 4 ~~management~~ **for the purposes of coastal restoration, conservation, and hurricane**
 5 **protection**. The money in the fund may be used only for those projects and programs
 6 which are consistent with the statement of intent, R.S. 49:213.1, and the **annual** plan
 7 as it pertains to **coastal restoration, conservation, and hurricane protection** ~~the~~
 8 ~~conservation and restoration of coastal wetlands~~ and the following purposes:

9 (1) Projects and structures engineered for the enhancement, creation, or
 10 restoration of coastal vegetated wetlands.

11 (2) Match for federal or local project planning, design, construction, and
 12 monitoring.

13 (3) Administration and project management, planning, design, construction,
 14 and monitoring.

15 (4) Operation and maintenance of structural projects consistent with the
 16 purpose of this fund.

17 (5) Vegetation planting, seeding, or other revegetation methods.

18 (6) Planning and implementation of modifications to federal, state, or local
 19 flood control, navigation, irrigation, or enhancement projects.

20 F. As used in this Section, the term "balance of the fund" shall mean those
 21 monies in the ~~Wetlands Conservation and Restoration~~ Fund which have not been
 22 expended or obligated under the plan approved pursuant to R.S. 49:213.6, or
 23 otherwise obligated in accordance with law.

24 * * *

25 **§213.11. Legal representation of the Authority; attorney general**

26 **The attorney general or his designee, who shall be a full-time assistant**
 27 **attorney general, shall be the legal advisor to the authority, shall counsel and**
 28 **advise the authority, and shall represent the authority in all legal proceedings.**

29 * * *

1 SUBPART B-1. GOVERNOR'S ADVISORY COMMISSION ON
2 COASTAL PROTECTION, RESTORATION AND CONSERVATION

3 §214.11. Statement of purpose

4 A. Louisiana and its citizens have suffered catastrophic losses and
5 human, economic, and social harm. For the benefit and protection of the state
6 as a whole, its citizens, and its localities, hurricane protection is vital to survival.
7 Hurricane protection and coastal restoration must be integrated to achieve a
8 long-term solution of coastal protection. The state must act to develop,
9 implement, and enforce a comprehensive coastal protection plan. The state must
10 act to ensure that the plan integrates hurricane protection and coastal
11 restoration efforts in order to achieve long-term and comprehensive coastal
12 protection.

13 ~~A.B.~~ An important aspect of the need for coastal protection is that
14 Louisiana is annually losing between twenty-five and thirty-five square miles of
15 coastal wetlands to the Gulf of Mexico. In 2005, the coastal area suffered a
16 devastating loss of nearly one hundred square miles resulting from hurricanes
17 Katrina and Rita. The loss of the state's coastal wetlands threatens natural, cultural,
18 and economic resources which are of vital importance to our state and nation. The
19 numerous benefits provided by our coastal wetlands include the presence of an
20 abundance of habitat for waterfowl, fur-bearing species, and fisheries that support
21 recreational and commercial interests. In addition, our coastal wetlands act as the
22 first line of defense for coastal communities, including New Orleans, in the face of
23 hurricanes and tropical storm surges. They also provide protection for the pipelines
24 through which much of our nation's energy supply flows. And, our coastal wetlands
25 are home to unique and diverse cultures that have called the wetlands home for many
26 generations.

27 B.C. The state of Louisiana recognizes the need to develop, implement,
28 and enforce a comprehensive coastal protection plan. As a component of the
29 plan, the The state of Louisiana recognizes the necessity of establishing a

1 sustainable coastal ecosystem. The task of **developing a comprehensive coastal**
2 **protection plan and** restoring and developing a sustainable coastline will require
3 implementation of an holistic, comprehensive engineering plan which encompasses
4 the entirety of southern Louisiana. It will require the cooperation and participation
5 of numerous state, federal, and local agencies. In addition, the task of **plan**
6 **development and** restoring and conserving this ecosystem will require the
7 participation and support of the numerous and diverse interests that live, work, and
8 recreate in those wetlands and others who depend upon our coast's continued health
9 and existence. In order to provide a venue for input from the broad range of persons
10 and groups who must participate in and assist the efforts to **protect**, preserve, restore,
11 and enhance the coast of Louisiana, it is hereby declared to be in the public interest
12 that the Governor's Advisory Commission on Coastal **Protection**, Restoration and
13 Conservation be created in the office of the governor.

14 §214.12. Governor's Advisory Commission on Coastal **Protection**, Restoration and
15 Conservation; composition; terms; officers

16 A.(1) The Governor's Advisory Commission on Coastal **Protection**,
17 Restoration and Conservation is hereby created and shall be composed as follows:

18 (a) Two members to be appointed by the governor from the academic
19 community.

20 (b) Two members to be appointed by the governor from the business and
21 industrial community.

22 (c) Two members to be appointed by the governor from the nonprofit
23 corporation community.

24 (d) Two members to be appointed by the governor from the conservation
25 community.

26 (e) Two members to be appointed by the governor from the agricultural
27 community.

28 (f) Two members to be appointed by the governor from governing bodies of
29 political subdivisions of the state.

1 (g) Two members to be appointed by the governor from the energy
2 production and distribution sector.

3 (h) Two members to be appointed by the governor to represent the fishing
4 community, one of whom shall be from the commercial fishing industry and one of
5 whom shall be from the recreational fishing community.

6 (i) One member to be appointed by the governor from the oyster industry.

7 (j) Two members to be appointed by the governor to represent coastal
8 landowners.

9 (k) Two members to be appointed by the governor to represent ports and
10 related industries.

11 (l) Six members to be appointed at large by the governor.

12 (m) The president of the Senate or his designee.

13 (n) The speaker of the House of Representatives or his designee.

14 (o) The chairman of the House Committee on Natural Resources or his
15 designee.

16 (p) The chairman of the Senate Committee on Natural Resources or his
17 designee.

18 **(q) Two members appointed by the Association of Levee Boards of**
19 **Louisiana from the members of levee boards having districts located in whole**
20 **or in part within the Louisiana Coastal Zone. One member shall be domiciled**
21 **in a region east of the easternmost boundary of Lafourche Parish and one**
22 **member shall be domiciled in a region west of the easternmost boundary of**
23 **Lafourche Parish. The members so appointed shall serve terms concurrent**
24 **with that of the governor.**

25 **(r) One member appointed by the governor representing the maritime**
26 **industry.**

27 **(s) The chairman of the House Committee on Transportation, Highways,**
28 **and Public Works or his designee.**

29 **(t) The chairman of the Senate Committee on Transportation,**

Highways, and Public Works or his designee.

* * *

§214.13. Powers; duties; functions

The commission shall have the following powers, duties, and functions:

(1) To advise the governor and the executive assistant for coastal activities relative to the overall status and direction of the state's coastal **protection and restoration** program.

(2) To provide a forum for coordinating coastal **protection and restoration** activities and the exchange of information on the status of various state, federal, and local programs affecting coastal **protection**, preservation and restoration.

(3) To foster cooperation on coastal **protection**, preservation and restoration issues among federal, state, and local governmental agencies, conservation organizations, and the private sector.

(4) To develop advice with respect to the identification and resolution of conflicts among agencies and stakeholders related to **protection**, conservation and restoration efforts and to assist in the identification of any other activity which might conflict with the **protection**, conservation and restoration efforts.

(5) To review programs, conditions, trends, and scientific and engineering findings which affect coastal **protection**, restoration and conservation in order to make recommendations for improvements to the state's coastal **protection**, restoration and conservation efforts.

(6) To assist in the identification of potential sources of funding for coastal **protection**, restoration and conservation programs and to develop advice with respect to developing recommendations for expenditures which are in the best interest of the state.

(7) To report by March first each year to the governor and the legislature relative to the progress, challenges, and recommendations concerning policy and possible legislation for the coastal **protection**, restoration and conservation program.

Section 2. The Louisiana Law Institute is hereby directed to make technical changes

1 to statutory laws as necessary to reflect the name changes provided in this Act.

2 Section 3. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. W. Wiley.

DIGEST

Dupre (SB 71)

Present law provides relative to the Wetlands Conservation and Restoration Authority and its powers, duties, and members.

Proposed law changes name to Coastal Protection and Restoration Authority and provides for its powers, duties, and members.

Proposed law places responsibility for direction and development of state's comprehensive master coastal protection plan in the Coastal Protection and Restoration Authority. Provides that Coastal Protection and Restoration Authority shall develop, coordinate, report and provide oversight of a comprehensive coastal protection master plan and annual coastal protection plans, working in conjunction with state agencies, political subdivisions, and federal agencies. The coastal protection master plan shall include a comprehensive strategy addressing the protection, conservation and restoration of the coastal area through the construction and management of hurricane protection projects and coastal restoration projects. Proposed law further provides that an annual coastal protection plan shall be developed and submitted to the legislature for approval as set forth in the proposed law. The annual coastal protection plan shall include a description and status of all projects and programs pertaining to hurricane protection and coastal restoration, including privately funded wetland enhancement projects or plans, and addressing those activities requiring a coastal use permit, which significantly affect projects set forth in the plan.

Proposed law provides that primary responsibility for carrying out the elements of the plan relative to coastal wetlands conservation and restoration is placed in the office of coastal restoration and management within the Department of Natural Resources. Primary responsibility for carrying out the elements of the plan relative to hurricane protection is placed in the office of public works within the Department of Transportation and Development. Proposed law further provides that in order to maximize coastal protection, the secretaries of the Department of Natural Resources and the Department of Transportation and Development, and the governor's executive assistant for coastal activities, shall use an integrated team effort to jointly coordinate master plan development with federal agencies and political subdivisions.

Present law provides that powers and duties of the authority include the approval of all requests for programs and projects pertaining to coastal wetlands conservation and restoration insofar as such requests are for funds to be appropriated from the Wetlands Conservation and Restoration Trust Fund; provided that the office of coastal restoration and management, coastal restoration division, of the Department of Natural Resources shall receive any monies appropriated from the fund and shall implement any program or project.

Proposed law provides that the powers and duties of the authority include the approval of all requests for programs and projects pertaining to hurricane protection and coastal conservation and restoration insofar as such requests are for funds to be appropriated from the Coastal Protection and Restoration Trust Fund; provided that (a) the office of coastal restoration and management of the Department of Natural Resources shall receive monies appropriated from the fund and shall implement any program or project pertaining to coastal wetlands conservation and restoration; and (b) the office of public works of the Department of Transportation and Development shall receive any monies appropriated from the fund and shall implement any program or project pertaining to hurricane protection, in conjunction with political subdivisions.

Proposed law further provides that powers of the authority include authorizing the development of procedures in accordance with the Administrative Procedure Act and the taking of actions against any entity, including a political subdivision, for the enforcement of, and compliance with, the comprehensive master coastal protection plan. Such procedures and actions include, but are not limited to, determinations of noncompliance; appeal from such determinations; the taking of administrative action, including the withholding of funds; and civil action, including the seeking of injunctive relief or any other remedy necessary to ensure compliance with the plan.

Present law defines “authority” as Wetlands Conservation and Restoration Authority. Proposed law defines “authority” as Coastal Protection and Restoration Authority. Proposed law further defines “hurricane protection” as a system of barriers and associated elements to provide protection against tidal surges; “annual plan” as the state coastal protection plan annually submitted to the legislature as provided in the proposed law; “coastal protection” as plans, projects, policies, and programs intended to provide hurricane protection or coastal, or coastal wetland, conservation and restoration; “master plan” as the long-term comprehensive coastal protection plan or comprehensive master coastal protection plan combining hurricane protection and the protection, conservation, restoration, and enhancement of coastal wetlands, and barrier shorelines or reefs and amendments to the plan. It shall include but not be limited to, state and political subdivision operations plans; and “program” as a management strategy with procedures, projects, schedules, operations and related activities to achieve a stated goal or objective.

Present law relative to the Wetlands Conservation and Restoration Authority provides for the following powers and duties:

- (1) Develop a comprehensive policy addressing the conservation and restoration of coastal wetlands resources through the construction and management of coastal vegetated wetlands enhancement projects, including privately funded marsh management projects or plans, and addressing those activities requiring a coastal use permit which significantly affect such projects.
- (2) Develop and submit to the legislative committees on natural resources for their approval a plan developed pursuant to the present law for conserving and restoring the state's coastal vegetated wetlands, consistent with legislative intent and with the policy developed by the authority. Upon approval of the plan by the legislative committees on natural resources and prior to implementation of the plan, in whole or in part, the plan shall be approved by the legislature.
- (3) Approve all requests for programs and projects pertaining to coastal wetlands conservation and restoration insofar as such requests are for funds to be appropriated from the Wetlands Conservation and Restoration Fund; provided that the office of coastal restoration and management, coastal restoration division, of the Department of Natural Resources shall receive any monies appropriated from the fund and shall implement any program or project.
- (4) Be authorized to delegate any of its powers, duties, and functions to the executive

assistant.

Proposed law provides such powers and duties of the Coastal Protection and Restoration Authority as:

- (1) Represent the state's position in policy relative to the protection, conservation and restoration of the coastal area through the oversight of coastal restoration and hurricane protection projects and programs and addressing those activities requiring a coastal use permit which significantly affect such projects and programs.
- (2) Develop, coordinate, report and provide oversight of a comprehensive coastal protection master plan and annual coastal protection plans, working in conjunction with state agencies, political subdivisions, and federal agencies. The coastal protection master plan shall include a comprehensive strategy addressing the protection, conservation and restoration of the coastal area through the construction and management of hurricane protection projects and coastal restoration projects. The annual coastal protection plan shall be developed and submitted to the legislature for approval as set forth in the present law. The annual coastal protection plan shall include a description and status of all projects and programs pertaining to hurricane protection and coastal restoration, including privately funded wetland enhancement projects or plans, and addressing those activities requiring a coastal use permit which significantly affect projects set forth in the plan.
- (3) Submit to the legislative committees on natural resources and on transportation, highways, and public works the annual coastal protection plan. Upon approval of the annual plan by the legislative committees and prior to implementation of the annual plan, in whole or in part, the annual plan shall be approved by the legislature as provided in the proposed law. The annual plan shall be for protecting conserving and restoring the coastal area through the construction and management of hurricane protection and coastal restoration projects and programs. The annual coastal protection plan shall address hurricane protection and coastal restoration efforts from both short and long-range perspectives and shall incorporate structural, management and institutional components of both efforts. The annual shall include funding requests for projects and programs related to hurricane protection and coastal restoration, a list of projects and programs required for the protection, conservation and restoration of the coastal area and the action required to each state agency to implement the project or program, and a schedule and estimated cost for the implementation of each project or program included in the plan.
- (4) Have the right and authority to approve all requests for programs and projects pertaining to hurricane protection and coastal conservation and restoration insofar as such requests are for funds to be appropriated from the Coastal Protection and Restoration Trust Fund (new name of the Wetlands Conservation and Restoration Fund); provided that (a) the office of coastal restoration and management, coastal restoration division, of the Department of Natural Resources shall receive monies appropriated from the fund and shall implement any program or project pertaining to coastal wetlands conservation and restoration; and (b) the office of public works of the Department of Transportation and Development shall receive monies appropriated from the fund and shall implement any program or project pertaining to hurricane protection, in conjunction with political subdivisions.
- (5) Authorize the development of procedures in accordance with the Administrative Procedure Act and the taking of actions against any entity, including a political subdivision, for the enforcement of, and compliance with, the comprehensive master coastal protection plan. Such procedures and actions include, but are not limited to, determinations of noncompliance; appeal from such determinations; the taking of administrative action, including the withholding of funds; and civil action, including the seeking of injunctive relief or any other remedy necessary to ensure compliance

with the plan.

- (6) Be authorized to delegate any of its powers, duties, and functions to the executive assistant.

Present law relative to the Wetlands Conservation and Restoration Authority provides that the governor, through the executive assistant for coastal activities, shall:

- (1) Coordinate all state departmental budget requests for programs and projects pertaining to coastal wetlands conservation and restoration as well as all requests for funds to be appropriated from the Wetlands Conservation and Restoration Fund.
- (2) Coordinate and focus the functions of all state agencies as they relate to wetlands conservation and restoration.
- (3) Review and reconcile state agency comments on federally sponsored water resource development projects or permitted conservation and restoration activities to establish and present the official state position which shall be consistent with the policies of the authority.
- (4) Represent the policy and consensus viewpoint of the state at the federal, regional, state, and local levels with respect to wetlands conservation and restoration.
- (5) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state's policies and programs at both the intrastate and interstate levels with respect to wetlands conservation and restoration.
- (6) Appraise the adequacy of federal, regional, state, and local programs to achieve the policies and meet the goals of the state with respect to wetlands conservation and restoration.
- (7) Oversee and coordinate federal and state-funded research related to coastal land loss and subsidence.
- (8) Coordinate and focus federal involvement in Louisiana with respect to coastal wetlands conservation and restoration.
- (9) Provide the official state recommendations to the legislature and congress with respect to policies, programs, and coordinating mechanisms relative to wetlands conservation and restoration or wetlands loss research.
- (10) Monitor and seek available federal and private funds consistent with the purposes of the present law.
- (11) Manage his personnel as provided by law.
- (12) Manage his budget, office, and related functions as provided by law.
- (13) Report annually to the legislative committees on natural resources as to the progress of the projects and programs enumerated in the plan. For each project or program, estimated construction and maintenance costs, progress reports, and estimated completion timetables shall be provided.
- (14) Perform such powers, duties, and functions as may be delegated to him by the authority.

Proposed law relative to the Coastal Protection and Restoration Authority provides that the governor, through the executive assistant for coastal activities, shall:

- (1) Coordinate all state departmental budget requests for programs and projects pertaining to coastal protection, including hurricane protection and coastal wetlands conservation and restoration as well as all requests for funds to be appropriated from the Coastal Protection and Restoration Trust Fund.
- (2) Coordinate and focus the functions of all state agencies as they relate to coastal protection, including hurricane protection and wetlands conservation and restoration.
- (3) Review and reconcile state agency comments on federally sponsored coastal protection projects, including hurricane protection, water resource development projects or permitted conservation and restoration activities to establish and present the official state position which shall be consistent with the policies of the authority.
- (4) Represent the policy and consensus viewpoint of the state at the federal, regional, state, and local levels with respect to coastal protection, including hurricane protection and wetlands conservation and restoration.
- (5) Appraise the adequacy of statutory and administrative mechanisms for coordinating the state's policies and programs at both the intrastate and interstate levels with respect to coastal protection, including hurricane protection and wetlands conservation and restoration.
- (6) Appraise the adequacy of federal, regional, state, and local programs to achieve the policies and meet the goals of the state with respect to coastal protection, including hurricane protection and wetlands conservation and restoration.
- (7) Oversee and coordinate federal and state-funded research related to coastal protection, including coastal land loss and subsidence, and the effects of storm surge.
- (8) Coordinate and focus federal involvement in Louisiana with respect to coastal protection, including hurricane protection and coastal wetlands conservation and restoration.
- (9) Provide the official state recommendations to the legislature and congress with respect to policies, programs, and coordinating mechanisms relative to coastal protection, including hurricane protection and wetlands conservation and restoration, or wetlands loss and storm surge research.
- (10) Monitor and seek available federal and private funds consistent with the purposes of the Part.
- (11) Manage his personnel as provided by law.
- (12) Manage his budget, office, and related functions as provided by law.
- (13) Report annually to the legislative committees on natural resources, and on transportation, highways, and public works as to the progress of the projects and programs enumerated in the plan or any component thereof. For each project or program, estimated construction and maintenance costs, progress reports, and estimated completion timetables shall be provided.
- (14) Perform such powers, duties, and functions as may be delegated to him by the authority.

Present law relative to the Wetlands Conservation and Restoration Authority provides that the governor, through his executive assistant, may, in an effort to advance the plan or purposes of the present law, within any department, agency, board, or commission:

- (1) Review and modify policies, procedures, or programs not established or approved by the legislature or pursuant to the Administrative Procedure Act that may affect the design, construction, operation, management, and monitoring and more particularly to require expeditious permitting of restoration projects, wetlands enhancement or marsh management plans, or expenditures from the Fund.
- (2) Review and request modifications of state departmental policies, procedures, programs, rules, and regulations that are established by law or pursuant to the Administrative Procedure Act that may affect the design, construction, operation, management, and monitoring of restoration projects, wetlands enhancement or marsh management plans, or expenditures from the Fund. Such rule changes shall be initiated by the appropriate department.
- (3) Appoint advisory panels.
- (4) Accept and use, in accordance with law, gifts, grants, bequests, and endowments for purposes consistent with responsibilities and functions of the agency and take such actions as are necessary to comply with any conditions required for such acceptance.
- (5) Utilize the services of other executive departments of state government upon mutually agreeable terms and conditions.
- (6) Take such other actions not inconsistent with law as are necessary to perform properly the functions of the authority.
- (7) Review and modify proposed coastal use permits prior to issuance to the extent that such permits seek to authorize activities which significantly affect wetlands conservation and restoration projects or which significantly diminish the benefits of such projects insofar as they are intended to conserve or enhance coastal wetlands and to require the issuance of permits for public or private wetlands enhancement projects or plans.

Proposed law relative to the Coastal Protection and Restoration Authority provides that the governor, through his executive assistant, may, in an effort to advance the plan or purposes of the present law, within any department, agency, board, or commission:

- (1) Review and modify policies, procedures, or programs not established or approved by the legislature or pursuant to the Administrative Procedure Act that may affect the design, construction, operation, management, and monitoring and more particularly to require expeditious permitting of coastal protection projects, including hurricane protection projects, restoration projects, wetlands enhancement or marsh management plans, or expenditures from the Fund.
- (2) Review and request modifications of state departmental policies, procedures, programs, rules, and regulations that are established by law or pursuant to the Administrative Procedure Act that may affect the design, construction, operation, management, and monitoring of coastal protection projects, including hurricane protection projects, restoration projects, wetlands enhancement or marsh management plans, or expenditures from the Fund. Such rule changes shall be initiated by the appropriate department.
- (3) Appoint advisory panels.
- (4) Accept and use, in accordance with law, gifts, grants, bequests, and endowments for purposes consistent with responsibilities and functions of the agency and take such actions as are necessary to comply with any conditions required for such acceptance.
- (5) Utilize the services of other executive departments of state government upon

mutually agreeable terms and conditions.

- (6) Take such other actions not inconsistent with law as are necessary to perform properly the functions of the authority.
- (7) Review and modify proposed coastal use permits prior to issuance to the extent that such permits seek to authorize activities which significantly affect hurricane protection or wetlands conservation and restoration projects or which significantly diminish the benefits of such projects insofar as they are intended to protect, conserve or enhance coastal areas and to require the issuance of permits for public or private wetlands enhancement projects or plans.

Present law provides that approval by the authority shall be required for any request by a state agency or department for any funds to finance research, programs, or projects involving the conservation and restoration of coastal wetlands resources; however, this shall not affect self-generated or dedicated funds. Proposed law provides that approval by the authority shall be required for any request by a state agency or department for any funds to finance research, programs, or projects involving coastal protection, including hurricane protection or the conservation and restoration of coastal wetlands resources; however, this shall not affect self-generated or dedicated funds.

Present law provides that Wetlands Conservation and Restoration Authority consists of task force composed of following members:

- (1) Executive Assistant of the governor.
- (2) Secretary of the Department of Natural Resources.
- (3) Secretary of the Department of Wildlife and Fisheries.
- (4) Secretary of the Department of Environmental Quality.
- (5) Secretary of the Department of Transportation and Development.
- (6) Assistant Chief of Staff for Health, Welfare, and Environment (governor's office).
- (7) Commissioner of Administration.
- (8) The director of the State Soil and Water Conservation Committee.

Proposed law provides that authority shall consist of the following members:

- (1) Executive Assistant to the governor for coastal activities.
- (2) Secretary of the Department of Natural Resources or their designee.
- (3) Secretary of the Department of Wildlife and Fisheries or their designee.
- (4) Secretary of the Department of Environmental Quality or their designee.
- (5) Secretary of the Department of Transportation and Development or their designee.
- (6) Secretary of the Department of Economic Development or their designee.
- (7) Commissioner of Administration or their designee.
- (8) Commissioner of Agriculture and Forestry or their designee.

- (9) Commissioner of Insurance or their designee.
- (10) Three presidents of levee boards having districts located in whole or in part within the Louisiana Coastal Zone. The twelve levee districts in the Louisiana Coastal Zone are grouped into three regions. Each region will annually select a designee who will represent that region and serve for one year.
- (11) Two members selected by the Police Jury Association from one of their members who resides in the coastal area. One member from a parish west of the Atchafalaya River and one member from a parish east of the Atchafalaya River. Both members shall not reside in the same parish.
- (12) The chair of the Governor's Advisory Commission on Coastal Protection, Restoration, and Conservation or their designee.
- (13) The director of the state Office of Homeland Security and Emergency Preparedness or their designee.
- (14) Chairman of the Senate Natural Resources Committee or their designee.
- (15) Chairman of the House Natural Resources Committee or their designee.
- (16) Chairman of the Senate Transportation, Highways and Public Works Committee or their designee.
- (17) Chairman of the House Transportation Committee or their designee.
- (18) A senator who represents a portion of the coastal area, appointed by the President of the Senate.
- (19) A representative who represents a portion of the coastal area, appointed by the Speaker of the House.

Present law provides that the executive assistant shall serve as chairman of the task force and develop procedures for the operation of the task force. Proposed law provides that the executive assistant shall serve as chairman and shall develop procedures for the operation of the authority. Proposed law further provides that a member of the authority who represents a political subdivision shall recuse himself from deliberations and voting on any matter concerning the taking of action against that political subdivision for noncompliance with the plan.

Proposed law further provides that the attorney general or his designee shall be the legal advisor to the authority, counsel and advise the authority, and represent the authority in all legal proceedings.

Present law relative to Wetlands Conservation and Restoration Plan provides procedures for annual submission to natural resources committees in both houses of the Legislature and approval by committees and legislature of a wetlands conservation and restoration plan. Proposed law relative to Coastal Protection and Restoration Authority provides procedures for submission of an annual coastal protection plan to the legislative committees on natural resources, and on transportation, highways, and public works of both houses of the Legislature and approval by committees and legislature of plan.

Present law provides that annual plan is to serve as the state's overall strategy for conserving and restoring coastal wetlands through the construction and management of coastal wetlands enhancement projects. Provides for annual development of plan as follows:

- (a) The authority conducts not less than three public hearings in separate locations in the

- western, central, and eastern areas of the coastal zone for the purpose of receiving comments and recommendations from the public and elected officials. All public hearings must be held at least sixty days prior to the submission of the plan to the legislature.
- (b) At least two weeks prior to each public hearing the authority contacts the parish governing authorities and the state legislators of the parishes in the coastal zone for the purpose of soliciting their comments and recommendations and notifying them of the public hearing to be held in their area.
 - (c) Ten days prior to the first such public hearing the authority publishes in the state register and the official state journal the schedule of public hearings setting out the location, place, and time of all the hearings.
 - (d) At least seven days prior to each hearing the authority publishes a notice of the hearing in the official journal of each parish within the area of the hearing. The notice of a hearing shall have been published in the official journal of each parish in the coastal zone prior to the final scheduled public hearing. The authority may provide for additional public hearings when necessary upon at least three days notice published in the official journal of the parishes in the area of the hearing and written notice to the parish governing authorities.
 - (e) The authority shall receive written comments and recommendations until thirty days prior to the submission of the plan to the legislative committees.
 - (f) Prior to recommending any project for inclusion in the plan, the authority shall identify and declare in writing: the public use benefits intended to be derived from the project which justify the project; the use benefits which private landowners are expected to derive from the project; the manner in which the benefits will be realized over the life of the project; the entities or persons who will be responsible for the long-term operation and maintenance of the project both in terms of manpower and cost; and the entities or persons who will be responsible for monitoring the project to ensure that it is functioning properly and realizing the intended public and private benefits.

Proposed law retains these procedures for development of the annual coastal protection plan.

Present law provides for funding from Wetlands Conservation and Restoration Fund established in constitution. Proposed law changes statutory name of fund to Coastal Protection and Restoration Fund.

Present law provides for distribution of certain amounts, and that money from the fund is subject to appropriations by the legislature only to the coastal restoration division within the office of coastal restoration and management, and use consistent with the conservation and restoration of coastal wetlands and certain purposes. Proposed law provides that funding is subject to appropriations by the legislature for the purposes of coastal restoration, conservation, and hurricane protection, and used for projects and programs consistent with the annual plan as it pertains to coastal restoration, conservation, and hurricane protection.

Present law creates Governor's Advisory Commission on Coastal Restoration and Conservation and provides for membership and duties. Proposed law changes name to Governor's Advisory Commission on Coastal Protection, Restoration and Conservation and provides for duties. Present law provides that members of the advisory commission includes the chairmen of the House and Senate natural resources committees. Proposed law adds the chairmen of the House and Senate transportation, highways, and public works committees to the advisory commission. Proposed law further adds two members appointed by the La. Levee Board Association from the members of levee boards having districts located in whole or in part within the Louisiana Coastal Zone, providing that one member shall be domiciled

in a region east of the easternmost boundary of Lafourche Parish and one member shall be domiciled in a region west of the easternmost boundary of Lafourche Parish, and a member appointed by the governor representing the maritime industry.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 49:213.1, 213.2, 213.3, 213.4, 213.5, 213.6, 213.7, 214.11, 214.12(A)(1) and 214.13; Adds R.S. 49:213.11)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill.

1. Added definition of “coastal protection” as “plans, projects, policies and programs intended to provide hurricane protection or coastal, or coastal wetland, conservation and restoration.”
2. Expanded membership of authority to include certain members of the legislature, and changed selection by police jury association from one to two members.
3. Added that attorney general shall serve as legal advisor to the authority and represent authority in legal proceedings.

Senate Floor Amendments to reengrossed bill.

1. Adds members to the Coastal Protection and Restoration Authority appointed by certain levee board presidents instead of appointed by the La. Levee Board Association.
2. Provides that the legislative committees on natural resources and on transportation, highways, and public works have oversight of the annual plan.
3. Adds members to the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation.
4. Adds language providing that a member of the authority who represents a political subdivision shall recuse himself from deliberations and voting on any matter concerning the taking of action against that political subdivision for noncompliance with the plan.