

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 77

BY REPRESENTATIVE HENSGENS

COASTAL RES/COASTAL ZONE: Urges and requests the Coastal Protection and Restoration Authority and the Department of Natural Resources work with local political subdivisions with statutory responsibility for activities that require state coastal use permits to determine the necessity of state coastal use permits

1 A CONCURRENT RESOLUTION

2 To urge and request the Coastal Protection and Restoration Authority and the Department
3 of Natural Resources, office of coastal management, working with local political
4 subdivisions that have statutory responsibilities for activities that require state coastal
5 use permits to determine the necessity of state coastal use permits for those activities
6 and the requirement for compensatory mitigation as well as the possibility of the loss
7 of federal funds for an activity if a state coastal use permit is no longer required.

8 WHEREAS, the Coastal Protection and Restoration Authority is the state agency that
9 has responsibility for coastal restoration and coastal protection activities in the coastal areas
10 of the state of Louisiana which includes some amount of surface water management and
11 flood control responsibilities; and

12 WHEREAS, the Department of Natural Resources, office of coastal management,
13 is the state agency responsible for management of the activities in the coastal area including
14 the issuance of coastal use permits for development, restoration, protection, and preservation
15 activities and the determination of the necessity of compensatory mitigation; and

16 WHEREAS, nearly every activity taking place in Louisiana's coastal area requires
17 both a state coastal use permit from the office of coastal management and a United States
18 Army Corps of Engineers Section 401 permit for protection of water quality or a Section 404
19 permit for placement of dredge material under the federal Clean Water Act of 1972 and
20 further requires compensatory mitigation; and

1 WHEREAS, these state permits and state mitigations are required even for activities
2 by local political subdivisions whose statutory responsibilities include levee construction and
3 maintenance, water management, drainage management and control, and flood control; and

4 WHEREAS, levee districts, drainage districts, levee and drainage districts, flood
5 control districts, soil and water conservation districts, municipal governments, and parochial
6 governments are all required to obtain coastal use permits from the state Department of
7 Natural Resources, office of coastal management, and the United States Army Corps of
8 Engineers in order to perform many of their statutorily mandated responsibilities; and

9 WHEREAS, the application process for coastal use permits and the determination
10 and acquisition of compensatory mitigation can sometimes be lengthy and the costs can be
11 onerous and seemingly duplicative since state law requires these local political subdivisions
12 to perform the activities for which they are required to obtain a coastal use permit and the
13 federal government requires additional and seemingly duplicative permits to engage in the
14 same activity in the coastal area; and

15 WHEREAS, it would be beneficial to the local entities if a way could be found to not
16 require state coastal use permits and compensatory mitigations that are duplicative of those
17 required by the federal government but not if there is a potential loss of federal funds for the
18 projects or activities.

19 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
20 urge and request the Coastal Protection and Restoration Authority and the Department of
21 Natural Resources, office of coastal management, working with local political subdivisions
22 that have statutory responsibilities for activities that require state coastal use permits to
23 determine the necessity of state coastal use permits for those activities and the requirement
24 for compensatory mitigation as well as the possibility of the loss of federal funds for an
25 activity if a state coastal use permit is no longer required.

26 BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the
27 Coastal Protection and Restoration Authority and the Department of Natural Resources,
28 office of coastal management.

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)]

HCR 77 Original

2018 Regular Session

Hensgens

Urges and requests the Coastal Protection and Restoration Authority and the Dept. of Natural Resources work with local political subdivisions with statutory responsibility for activities that require state coastal use permits to determine the necessity of state coastal use permits.