

ACT No. 47

2018 Regular Session

HOUSE BILL NO. 49

BY REPRESENTATIVE GISCLAIR

AN ACT

To amend and reenact R.S. 49:214.41(A)(1) and (C), relative to mitigation of coastal wetlands; to authorize construction or implementation of an integrated coastal protection project as compensatory wetlands mitigation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.41(A)(1) and (C) are hereby amended and reenacted to read as follows:

§214.41. Mitigation of coastal wetlands losses

A. As used in this Section, the following terms shall have the meaning ascribed to them below:

(1) "Compensatory mitigation" means replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses of those values caused by a permitted activity. Compensatory mitigation may also include construction or implementation of an integrated coastal protection project consistent with the state's master plan for coastal protection and restoration within the same watershed as the permitted activity.

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C. Compensatory mitigation, including construction or implementation of an integrated coastal protection project consistent with the state's master plan for coastal protection and restoration within the same watershed as the permitted activity, at a level sufficient to replace or to substitute for the ecological value of the

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____