

2018 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 77

BY REPRESENTATIVE HENSGENS

A CONCURRENT RESOLUTION

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

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

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

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

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

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

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

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

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE