

# Coast Watcher's Guide

## How to Preserve and Protect Louisiana's Wetlands and Coastal Zone

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# Preface

You can help save Louisiana's wetlands and coastal zone. Whether you make your living on the water, have lived near the coast for years, or are a new resident of Louisiana, chances are you already know how valuable these resources are and how quickly they are changing. Your firsthand knowledge also gives you a special perspective. You know the players in your area—the citizens, the developers, the fishermen, the landowners, and the politicians. What you may not have known up to now is how to help.

The Coalition to Restore Coastal Louisiana prepared this guidebook to give you specific information about how you can help preserve and protect Louisiana's wetlands and coastal zone. Don't worry if you don't know many technical terms or are bewildered by the maze of regulations that surround these issues. This guidebook unravels some of the red tape and offers instructions for effective action.

If you are already part of a coastal preservation group, this manual can serve as a resource guide that supports your efforts. If you would like more information about joining or starting a CoastWatch group, call the Coalition to Restore Coastal Louisiana, and ask for Fact Sheet # 1: "What is CoastWatch?"

## What Is the CoastWatch Program?

CoastWatch is a program sponsored by the Coalition to Restore Coastal Louisiana. Sometimes called "caretakers," "networks," and "watchdogs," CoastWatches are coalitions of local groups formed to preserve Louisiana's wetlands and coastal zone. Citizens create CoastWatches to share information, to organize, or even to work on a specific project. By forming a CoastWatch, you can work with many different groups who have a common interest—such as preservation of a local area for wildlife habitat—but who otherwise might not combine resources.

Because each region in Louisiana faces different issues, each CoastWatch sets its own agenda, structure, and policies. As sponsor of the CoastWatch program, the Coalition to Restore Coastal Louisiana can offer information, technical and legal expertise, funding assistance, and help in starting and maintaining an effective local group.



# Chapter 1: Taking Action to Protect Louisiana's Wetlands and Coastal Zone

- Every 15 minutes, Louisiana loses the equivalent of one football field of wetlands to open water.
- Between 25 and 35 square miles of Louisiana wetlands are lost each year.
- If present trends continue, some projections estimate that the Gulf of Mexico will reach New Orleans and Houma by the year 2040.

## A. Building Support, Working with a Team

As a resident of Louisiana, your actions can mean the difference between an area that survives and one that disappears. Although you can accomplish a great deal alone, you can do even more with a team. The following guidelines offer ideas for creating an effective group.

- 1. Get to know the people in your area.** Call other concerned citizens and ask if they would be interested in forming a group dedicated to preserving local wetlands or coastal areas. Go to the meetings of local sportsmen's and fishermen's organizations. You can also attend gatherings of civic, government, and environmental groups as well as others that might be interested in wetlands conservation.
- 2. Find out how you can help each other.** Consider establishing a phone and fax tree that will help spread information quickly. It may be necessary to call a meeting to establish networks and get acquainted. The key to success lies in developing an agenda that meets your priorities.
- 3. Choose a leader.** Every group needs a leader who serves as a spokesperson, contact, and catalyst for action. Having such a leader increases your

group's credibility and makes it easier for others, including reporters and agency employees, to communicate with you.

**4. Stay lean.** You will need one or two people who agree to lead the group, but you don't necessarily need a formal structure with a board of directors, monthly meetings, and regular newsletters. Instead, focus on being a citizen network that monitors and takes action on priority issues.

**5. Ask for help.** Organizations like the Coalition to Restore Coastal Louisiana (the Coalition) can help with start-up organization, publicity, fundraising, and technical expertise.

### How Teamwork Paid Off in St. Tammany Parish

What began as a classic confrontation between a developer and concerned citizens became a win-win situation. Citizens in the North Shore CoastWatch along with many other groups were concerned about a developer's plans to build a subdivision on the banks of a pristine bayou. Legal proceedings were beginning when the citizens decided to take a different approach. The citizens asked the developer what he needed in order to get a good return on his investment. The developer said that he did not need to build houses and would be happy with a simple buy-out.

The North Shore CoastWatch and other local citizens were able to resolve a difficult situation by acting fast, asking questions, negotiating, and knowing where to go for help. As a result of the community's efforts, the area is slated to become a 12,000 acre national wildlife refuge. This three-year effort has brought together government officials, business people, sportsmen, commercial fishermen, and conservationists to work on a project that will ultimately benefit the entire community.

## Help for Getting Involved

The CoastWatch program offers support for beginning your own group. (See preface.) By becoming caretakers of their coastal or wetlands community, CoastWatches have improved sewage treatment laws and enforcement, encouraged regional river planning, fostered the acquisition of a national wildlife refuge, and made recommendations about how state and federal restoration funds should be spent. For more information about starting your own CoastWatch, contact the Coalition.

## B. Guidelines for Protecting the Coastal Zone

A watchdog's job seems simple—he barks when he sees trouble. As a citizen advocate for Louisiana's wetlands and coastal zone, your job will be more complicated. Many times, laws and red tape make it hard to identify trouble, and knowing how to help can be even more confusing. Direct and purposeful action is possible, however, if you understand how to use the system.

**1. Knowledge equals power.** Being informed is the key to managing the system. Know your options and who to call for help. (See Sections C, D, and E below.)

**2. Know when to get involved.** You increase your options by getting involved before battle lines are drawn, so don't wait until a permit is issued or a lawsuit has begun to protest. As soon as you see a permit notice or activity that concerns you, start investigating and spreading the word. (See Sections C, D, and E below.)

**3. Cooperation brings results.** Using a collaborative approach can help you find creative ways to work with the vested interests that are tied to the wetlands and coastal zone. In many cases, there are ways for both you and your "opponents" to win, if you are willing to explore cooperative solutions. What appears to be a conflict may be the result of a misunderstanding. Don't assume you know how the other party will respond. Keep an open mind and listen.

## C. Options for Citizen Watchdogs

If you see a possible problem, videotape or take photos of the suspected violation or damage and report your information to the appropriate agency.

**1. Tips for making a good report.** Begin by calling your parish coastal zone management office. The coastal use administrator can provide information about permits as well as options for solving the problem. If you don't have a coastal zone management office in your parish, try calling the environmental department of your parish government. (See Appendix A for numbers and addresses.) Or call the appropriate federal or state agency directly. (See list of contacts below.)

In order for your report to be helpful, you must pinpoint the exact location of the suspected violation. Simply telling an agency employee that you saw trash being dumped near your neighbor's house will not give the investigator enough information. But if you report that the trash is 100 yards north of the canal that runs through your subdivision, the agency can investigate the problem more easily.

Describe the location using quadrangle or parish maps, highway or river mile markers, photos, LORAN coordinates, or even a marker on a fishing chart. Call the Department of Natural Resources (the DNR), the Corps of Engineers (the "Corps"), or the U.S. Geological Survey for an inexpensive quadrangle map of your area. (See Appendix C for phone numbers.) Provide specific details in your report about the amounts and types of materials being dredged, filled, or dumped, as well as dates, times, and names of possible violators. Be brief and factual. If possible, ask others in your neighborhood or group to make similar reports.

### Defining Terms

When speaking of land loss in Louisiana, many people use the terms "coastal zone" and "wetlands" interchangeably. In fact, the two terms can refer to different things. Wetlands are the primary ecosystems in the Louisiana coastal zone that are disappearing. However, land loss also occurs in upland wetlands that are outside the coastal zone. Louisiana is also losing areas of the coastal zone that are not wetlands.

## 2. Where to call to report an environmental problem.

• **dredging, filling, or dumping in the coastal zone:** you have two options (1) call the Corps Surveillance Section (in the Pearl River Basin contact the Vicksburg District—601-631-5289; in the Sabine River Basin contact the Galveston District—409-766-3004; all other areas call the New Orleans District—504-862-2270 or 504-862-1288) or (2) call the DNR Coastal Management Division, Permits Section (225-342-7591). Either agency can tell you if the activity is covered by a permit. If a violation is found, the Corps and the DNR will decide which agency will correct the problem.

• **drilling, dumping, dredging, filling, or any other damage being done to beach ridges, cheniers, salt domes, or dunes** : call the DNR Coastal Management Division Permits Section (225-342-7591 or 1-800-267-4019). The DNR is the only agency charged with protecting these special features of the coastal zone.

• **a navigation hazard in a major waterway** : call the Corps at the numbers above or the Coast Guard's Waterway Safety Branch (504-589-6196).

• **discharges of pollutants into the waters of the coastal zone** : call the Department of Environmental Quality (the DEQ) Surveillance team in the Office of Water Resources (225-219-3615). You may also call one of four regional water surveillance offices. (See Appendix D for listing.) Or call the DEQ citizen hotline 24 hours a day (225-342-1234).

• **breaks in plugs or dikes** : call the landowner, your parish coastal administrator, or your parish environmental contact to see if they are aware of and can correct the problem.

• **an abandoned or inoperative bulkhead** : call your parish coastal administrator or environmental contact. Your parish must have a permit to remove the bulkhead. If the bulkhead is a navigation hazard, call the Coast Guard's Waterway Safety Branch (504-589-6196).

• **an oil spill** : call the Louisiana Emergency Materials Hotline (877-925-6595).

• **bubbles from gas lines** , call the DNR Office of Conservation (225-342-5540).

• **a fish kill or dead fish,** call the DEQ citizen hotline (225-342-1234) or the Water Surveillance Office (225-219-3615).

• **poaching** , call the Department of Wildlife and Fisheries Enforcement Division (1-800-442-2511).

Two special cases.

• **you are accused of trespassing or you see someone else trespassing:** call your local sheriff or an attorney. Agencies like the DNR or the Corps can't help you with a trespassing problem.

• **you observe big increases in water flows or rapid shoreline erosion:** no single agency has the authority to take action quickly. Call your local parish coastal administrator or environmental contact. Ask the office if planting vegetation will slow the rate of erosion. Beginning such a project may take time as the parish must obtain a permit before planting. You can also begin trying to interest local government officials in developing a larger restoration project for the area. (See below Section F3, "Encouraging Government Action.") If you know the landowners of the property, contact them as well.

### Definitions

**Chenier:** a sandy island in the marsh that marks a former shoreline. Cheniers are frequently covered by oak trees and are found in the area between the Texas border and the mouth of the Atchafalaya River. This area is known as the Chenier Plain.

**Dredging:** the act of digging out wetlands or water bottoms with automated machinery.

**Ecosystem:** a system formed by the interaction of a community of organisms with their environment.

**Erosion:** the process by which earth (including wetlands) is worn away by winds, waves, and water.

**Fastland:** the area immediately behind a levee, usually under pump.

**Filling:** the act of dumping dirt of any amount into a classified wetland. Fill is the dirt that is being dumped.

### 3. What happens after you make your report?

The agency will check its files to see if the activity you reported was covered by a permit. Most activities citizens report are legal if a permit has been obtained. If no permit was issued, the agency should send an inspector to investigate.

If the problem you reported has existed for a while, the agency will try to find the person who caused the damage. In theory, the violator may have to pay a fine, attempt to restore the area, and even restore another area of wetlands in compensation. Agencies rarely impose such penalties without prompting.

If you report a problem to the Corps and they decide that the problem is within their jurisdiction, they will ask you to send them your report in writing along with a map specifying the location of the problem. You must send this letter to the Corps before they will investigate the problem.

Ask your agency contact to call you with a follow-up report. When your contact calls to follow-up, she may tell you that there was no permit for that activity, and that the agency is investigating the problem. While this statement sounds vague, your contact is not necessarily trying to give you the run around. Deciding which agency will handle the problem as well as the need to respect the legal rights of the violator may prevent the agency from giving you a detailed report right away.

Waiting for the agency to complete an investigation may take days, weeks, or even months. A long wait does not always mean that the agency is stalling. In most cases, the agency lacks the staff people to quickly investigate all of the reports received each day.

What should you do if the problem becomes worse while the agency is tied up in red tape? Suppose, for example, you report seeing someone fill in a section of wetlands, and the person continues filling after you have notified the authorities. You would be rightly concerned that the person could finish the job and do the damage before the agency stops him. At this point, call your agency contact back, describe the situation, and ask the agency to issue a cease and desist order. This order requires the violator to stop all illegal activity or be fined or put in jail.

Your work does not end after the cease and desist order goes into effect. Tell your agency contact that you want to be kept informed about developments in the case. Call your contact every few weeks for an update. She may not be able to give you complete information until the enforcement action is resolved, but your contact can give you basic facts about the status of the case. Ask if the landowner or developer has applied for an “after the fact permit,” or a permit that is issued after the project has begun. Should you learn that such a permit is being prepared, you can try to revise or oppose it. (See Section D.)

#### Getting in the Front Door

The best way to stay ahead of the permit game is to learn about proposed projects before they reach the permit stage. By the time a permit notice is issued, considerable time and resources have already been directed to the project, and your ideas may be lost in the shuffle.

Get involved before that point by keeping in touch with local planners, government officials, agency contacts, and members of boards and commissions. Let them know of your interest in permitted projects affecting your community.

## D. Staying Ahead of the Permit Game

Preventing destructive activities before they begin is the most effective way to protect wetlands and the coastal zone. Most of the important decisions about managing resources are made when agencies grant or deny permits. For this reason, you must take part in the permit process in order to stop or alter projects before they are approved. Besides, policy makers, government agencies, and the press need to hear from citizens in order to gain a complete picture of how a proposed permit will affect a community.

**1. When are permits required?** Anyone wanting to dredge, fill, or do construction in the Louisiana wetlands (inside or outside the coastal zone) must get a 404 permit from the Corps. This applies to everyone—from a homeowner who wants to fill a low spot in his backyard, to a developer who wants to

build homes, to a local government that wants to build a road, to state and federal agencies that are planning restoration projects. There are, of course, exceptions to this rule. (See below, “They Can’t Do That, Can They?”)

For projects below a five-foot elevation, the Corps will require that the applicant obtain a coastal use permit from the DNR Coastal Management Division. The Corps also requires a coastal use permit if the project involves state-owned lands or waterbottoms, a state-funded project, certain pipelines for oil, gas, or other minerals, and any activities associated with oil and gas production.

For projects that involve filling or placing dredged material in a waterway or wetland, or projects that involve the mechanized clearing of wetlands, the Corps will require a permit from the DEQ in addition to a permit from the DNR. For a project concerning a “use of local concern,” local governments may require a permit for the same project as well. According to La. Rev. Stat. Ann. Tit. 49 Sec. 214.25(A)(2), uses of local concern include jetties, breakwaters, bulkheads, piers, camps and cattlewalks; private water control structures costing less than \$15,000; and uses on cheniers, salt domes, or similar land forms.<sup>1</sup>

Other permits may be needed to fulfill requirements of the state Natural and Scenic Rivers Act and the federal Rivers and Harbors Act. Local parish coastal zone management offices can offer guidance about necessary permits for specific projects. (See Appendix A.)

**2. Understanding Section 404.** Section 404 of the Clean Water Act, 33 U.S.C. Section 1251 (1977), divides wetlands jurisdiction between the Corps and the Environmental Protection Agency (EPA). Under Section 404, the Corps has the authority to regulate the disposal of dredged material or fill into the waters of the United States. In fulfilling this task, the Corps is charged with deciding whether the site is a wetland, determining the need for a permit, and issuing permits where there are no practical alternatives that would have less impact on the aquatic ecosystem.

When deciding whether to issue an “individual” 404 permit, the Corps is required to both give public

### Putting Section 404 in Perspective

The discussion of Section 404 below is intended to serve as a model that explains how citizens can work with a government agency in the permitting process. Citizens should be careful, however, not to focus their efforts exclusively on Section 404 permit actions. Restoration projects, water quality monitoring efforts, and public education campaigns (see Sections F, G, and H) all represent equally important areas for citizen involvement.

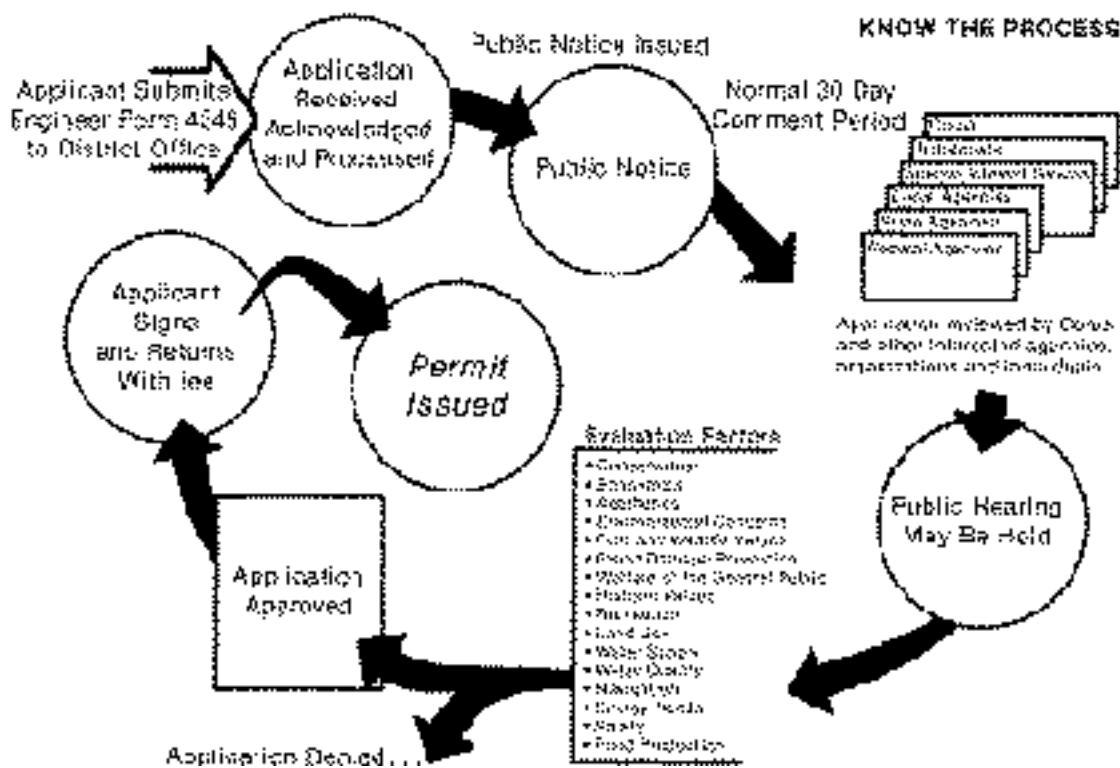
notice of the project and consider public comments. The EPA oversees the Corps’ actions and retains a rarely used veto power over Corps permit decisions.

“General” 404 permits are different from individual 404 permits. General permits usually deal with large categories of actions such as agriculture and irrigation. Projects that are typically allowed under general permits include the placement of navigation markers, water gauges, recording devices, outfalls, mooring buoys, utility line structures, bank stabilization projects, minor road crossings, and bridges; small hydropower projects; minor dredge and fill projects involving less than 10 cubic yards of fill material; boat ramps; and certain federally approved and funded projects.<sup>2</sup> Nationwide 404 permits are a type of general permit. There are more than 30 different nationwide permits, all issued by the Corps headquarters in Washington, D.C.

An applicant must apply to the Corps for a general permit, but the review process is streamlined. The Corps does not have to provide public notice or review comments from citizens when deciding whether or not to grant a general permit. For this reason, a general permit is granted more quickly than an individual permit, as long as the proposed project meets the Corps’ criteria.

**3. Knowing who is applying for what.** Each time an agency receives an individual (as opposed to a general or nationwide) permit application, it must publish a description of the requested permit. Called “notices of permit application,” these descriptions are published regularly by the agencies that regulate activities in the coastal zone. You can receive free copies of these notices and keep a running file on proposed projects in your area. Unfortunately, there

## Corps of Engineers Permit Review Process



is no single source of information for all of the permits issued by various agencies. You must receive notifications of permit applications from all of the sources below in order to be fully informed. In addition, permit notices may be published in a local newspaper or other journal of record. Make sure your group subscribes to the journal of record used by agencies in your area.

• **To receive permit notices from the DNR,** call the Coastal Management Division Permits Section (225-342-7591). Or write to: P.O. Box 44487 Baton Rouge, LA 70804-4487. Ask to be placed on the mailing list for notices of permit applications. You can request the list for the entire coastal zone, or you can choose up to four parishes to include on your list. The list you receive will include notices of some permit applications published by the Corps as well.

• **For the complete list of the Corps' notices for dredge and fill permits** write to the Corps. (See Appendix C for addresses.)

• **For information about environmental impact statements that will be conducted by the Corps** write to the Corps' Planning Division at the address in Appendix C.

• **In order to receive a list of the permit applications received by the DEQ** , call the DEQ's Ombudsman's Office (225-765-0720) or write to the Office of the Secretary, Ombudsman's Office, Department of Environmental Quality, P.O. Box 82263, Baton Rouge, LA 70884. (See sample letter in Appendix E.) You will receive notices for all permitting activities that the DEQ handles within your parish.

**4. Writing a Freedom of Information Act (FOIA) letter.** If you want more information about a notice of permit application published by the Corps, call the contact person listed at the top of the permit notice. Ask this person for information about the conditions of the permit including the compensating activities or mitigation that will be required if the permit is granted, copies of other comments that have been received about the permit, and a copy of

## They Can't Do That, Can They? The Limits of Section 404 Protection

Many citizens think that Section 404 offers more protection than it really does. For example, Section 404 allows construction in wetlands as long as the builder has a permit. Some activities are legal even without a permit.

Congress has exempted "normal" farming, forestry, and ranching activities from review under Section 404. Cultivation, soil conservation practices, farm ponds, irrigation ditches, roads used strictly for farming or forestry, regular maintenance, and emergency reconstruction projects are all exempt. However, these activities are not exempt if they convert natural wetlands to another use. Activities occurring on lands five feet above sea level and activities within fastlands are also exempt under the state coastal program unless they have a direct and significant impact on coastal waters. (La. Rev. Stat. Ann. Tit., 49 Sec. 214.34.)<sup>3</sup>

Many activities are not regulated by Section 404. Unregulated activities include: lowering of groundwater levels; flooding wetlands; and activities on upland areas that affect wetlands through soil erosion, pollution, or water diversion.<sup>4</sup> Section 404 seems to allow a loophole for dredging. Theoretically, you can dredge without a permit as long as you don't spill a drop of mud, and as long as loose dirt does not fall into the hole you have created. Obviously, this is practically impossible.

the permit itself. Use the numbers at the top of the notice to identify the permit. You also have the right to inspect the file on the permit application during regular business hours. If the agency refuses your request for information over the phone, or if you have visited the office but don't think you have seen all of the information in the file, try writing a Freedom of Information Act (FOIA) letter.

The Freedom of Information Act is a federal law requiring federal agencies to give citizens copies of public records if citizens make the request in writing. FOIA thus gives you an enforceable right to information about all public records held by any agency of the federal government, including 404 permits issued by the Corps. Some agencies charge a fee for the research, copying, and postage costs involved in compiling and sending the information.

If you can prove that the requested information will contribute to public understanding of government processes, you may be able to avoid these fees.

When writing a FOIA letter, identify the records you want as clearly as possible. Don't simply ask for "all files relating to" a specific issue as this may increase research and copying costs (unless information on all files is what you really want). Whenever possible, cite specific names of the reports, permits and records you want to receive as well as any division or field office names connected with the information. The easier you make it for the agency employee to know exactly what you want, the easier it will be to get the information quickly.

When requesting a great deal of information, identify a few documents that you would like to receive immediately while the remaining information is being compiled. Type the letter and keep a copy for your files. Don't forget to include a date on your letter. The agency will use the date as an identification number when it processes your request. (See Appendix F for a sample FOIA letter.)

Although it usually takes much longer, the agency is supposed to respond to your request within 10 days. The agency is granted 20 days to respond under "unusual circumstances." Unusual circumstances include having to find a great deal of material, or having to obtain the information from field offices. At the very least, you should receive a form letter or telephone call from the agency within 10 days that acknowledges your request and tells you when the information will be available.<sup>5</sup> When it is ready, the information will either be sent to you or made available for pickup at the agency. Remember that your rights to receive public information under FOIA and the State Public Records Access Law (see below) are just that, rights. You generally don't have to explain why you want the information.

**5. Getting information from state agencies—the State Public Records Access Law.** If you want information about a permit notice published by the DNR, the DEQ, or any other state or local agency, you have the right to examine documents related to the permit. The Louisiana Public Records Act allows citizens to examine and copy the public records of any state, parish, or municipal body. The

law gives you access to a range of documents, including records of contracts and lists of companies' past violations.

This law differs from the federal FOIA law in that you must inspect the documents in person instead of receiving them by mail. Phone the agency contact who is handling the permit or enforcement action ahead of time. Describe the records you want to review and say when you will be coming to look at them. You don't have to explain why you wish to do so. If the agency contact refuses to let you see the records, remind him that the law guarantees you access to this information. Report any problems to an agency supervisor.

You may have to pay a fee for copying charges. The agency may waive the fee however, if you can prove that the copies will be used for a public purpose such as preparing for a hearing or writing comments. Should you be charged for copying costs, ask for the bill with your copies and send it back to the agency with a waiver request. That way you will not have to wait for the records while your waiver is processed.<sup>6</sup>

#### Other Resources

•The Public Affairs Research Council of Louisiana (PAR) has a *Citizen's Rights Card* that discusses citizens' rights to attend meetings and gain access to public records. Copies of this brief and helpful guide can be obtained for \$1 by calling PAR (504 -926-8414).

•*The Citizen's Guide to Environmental Activism in Louisiana* provides detailed information about obtaining permit information, writing comments, planning for and attending public hearings, and pursuing litigation. The guidebook is published by the Tulane Environmental Law Clinic. For a copy of the document send \$10 for citizens and activists and \$15 for other customers, plus \$1 shipping to the Clinic at 6329 Freret St., New Orleans, LA 70118. Or call the Clinic (504-865-5789).

**6. Responding to a permit application with written comments.** Once you have information about the permit application, look for flaws and missing information. If you have questions about the

application, call the agency and ask them to explain. Or call the Coalition for guidance. After reviewing the application, you have the right to present your views to the agency in the form of written comments.

Before you begin writing, check the permit notice for the comment period deadline. The deadline for providing comments to the Corps is usually 20 days from the date of the permit notice, and 25 days from this date for the DNR. In some cases, the comment period can be as brief as 10 days. If you miss the deadline, send in your comments anyway. The agency is under no obligation to consider them, but at least they will have your comments on file. If the permit application leaves many questions unanswered and you think the application represents a particularly complex and far-reaching project, request a public hearing as an addendum to your written comments. You can also request multiple hearings if the proposed project will affect citizens over a wide geographic area.

Agencies are not obligated to hold a public hearing for every major permit, and agencies don't have to hold a public hearing just because you asked for one. In fact, because of the time and expense involved in holding public hearings, agencies rarely grant them on request.

An agency is more likely to hold a public hearing if you ask on behalf of a group with 25 members or more. You must also persuade the agency that the hearing will produce new information that could not be gained through written comments, and that the project's size or controversial nature makes further public participation important.

If you need more time to write comments, write to the agency and request an extension of the comment period. Address your request to the reviewer whose name appears on the permit and follow the letter with a phone call. Extensions of a week to 10 days are usually granted if you can show that the extra time will help you improve the quality of your comments. After you submit your comments, the agency will send you a card acknowledging receipt of your letter. They will also tell you if a public hearing has been scheduled.

## Why Both You and the Agency Must Follow Administrative Rules

Agencies can't write laws, but they do enforce them. Granting or denying permits is one of the principal ways that agencies enforce laws. Each agency has copies of the administrative rules that it uses to make permitting decisions. You can review these rules by asking the agency for a copy and by reading the Louisiana Administrative Procedures Act. The Federal Administrative Procedures Act and the *Federal Register* contain rules for federal agencies.

According to administrative rules for permitting, an agency must build a record of evidence about a proposed project. The decision to grant or deny the permit must be based on this record of evidence and nothing else. Administrative rules also govern how the agency builds the record of evidence. For example, the rules state that a notice of permit application must be made public for a certain amount of time, that the agency must give citizens a certain amount of time to make written comments, and that public hearings must be advertised for a certain amount of time in advance. These rules protect your right to take part in the process. If any of these rules are not followed, report the violation to the agency. The agency will usually correct the problem. An agency that does not correct a violation of an administrative rule can be sued. If the suit is successful, the permitting process will have to start over.

Administrative rules also require citizens to follow a strict timetable when providing their ideas regarding permits. If the deadline for submitting written comments is June 1, you can't submit them June 2 and hope the agency will include the comments in the record anyway. You must follow all deadlines to the letter, just like the agency.

Follow these guidelines when writing comments:

- **Be specific.** Even if you have no intention of going to court, write your comments as if they were to be a record of evidence for possible litigation. Discuss measurable, concrete points that could be used to judge the agency's decision. Give facts that explain why this particular tract of wetlands is valuable to your community. For example, don't say "This should not be allowed!" Say instead, "This project would destroy a prime grassbed." Well chosen photos, news articles, petitions, or scientific reports can also help make your case.

- **Avoid generic statements.** Comments such as, "the permit must consider the most appropriate sewage treatment technologies available" does not give the person reading your comments any new information. A more useful comment would be, "in our area, 'X' sewage treatment system has worked well, while the proposed system has already been tried with poor results."

- **Give the local angle.** Citizens like you are important sources of political, historical, and cultural information that is crucial to the agency's permitting

decision. Provide facts, not opinions, about the permit applicant that the agency might not know, including the applicant's past projects and history in the community.

- **Use an even-handed writing style.** You don't need a preachy tone or aggressive wording to strengthen your case. Your comments will be read by professional people who take pride in their work, and needlessly combative language will only encourage them to dismiss your ideas.

- **Don't make sweeping demands that go beyond the scope of the permit.** There may be some merit in telling the Corps that it must restore the coastal zone to a pristine state, but that statement belongs in a letter to the editor, not in written comments. Keep your remarks focused on the details of the permit itself.

## E. Meetings and Showdowns

After you have responded in writing to an agency about a permit, you may have to take a more direct role. Confrontations don't have to be ugly. By planning ahead for meetings, hearings, and appeals, you can make sure that you have covered all the angles. Then you can afford to take a polite but firm approach—an approach that helps you work with decision makers to get results.

**1. Public hearings.** Public hearings allow citizens to add comments to the record of evidence. Planning is essential if you and your group are to take advantage of this opportunity. Once a hearing is scheduled, you will have between two weeks and 30 days to plan your strategy. Remember that the permit applicant will have been working to secure support within the community far in advance of the hearing, so you must be persuasive and not just adamant in your testimony.

Citizens are usually only allowed three minutes each to speak at public hearings. In order to use your time wisely, your presentation must be factual and specific. Coordinate with other citizens to present all relevant points without repetition.

You may also want to choose one or two experts from your community to provide technical support for your testimony. Be prepared to support your leaders and experts during the meeting, even if they don't say exactly what you expected. Fighting in public discredits your group and your position. As part of your preparations, send a press release to local media. (See Section 5 below.)

Most hearings begin with a summary of the proposed project given either by the sponsor of the project or the permitting agency. This summary can take a few minutes or a few hours. After the summary, citizens have a chance to speak. The agency representative who is running the hearing will listen to the testimony of each speaker, usually without responding. Before the hearing ends, ask the agency representative to state on the record when the comment period will close. Sometimes agencies grant an additional written comment period of 10 days after the public hearing. If such an extension is

granted, you or your group will want to take advantage of it.

**2. Public meetings.** If the agency does not grant your request for a public hearing, you can still hold a meeting that will give citizens the chance to exchange ideas, strategize, and learn more about the issue. Use public service announcements, flyers, press releases, and phone trees to advertise your meeting. Make sure people understand why attending this meeting will benefit them. Invite the appropriate government representatives, especially if you are trying to use the meeting to inform and influence their agencies.

Keep in mind that good meetings must be planned and directed, they don't just happen. Develop an agenda, and decide whether or not to invite the press. Decide who will lead the meeting, where people will sit, how to handle questions, and how to insure that everyone has a chance to speak.

**3. Meetings with decision makers.** After attending a public hearing or meeting, you may decide that you need to go beyond the normal channels for citizen participation. Meeting directly with decision makers allows you to negotiate in person and win agreements that might not otherwise be possible. Follow these guidelines for a productive meeting:

**•Identify the people who can respond to your concerns and only negotiate with them.** Don't restrict your access to government contacts who are sympathetic but who have no real decision making power. Instead, ask your contacts to lead you to

### When Not to Hold a Public Meeting

1. Your group is planning a strategy that you don't want made public.
2. The meeting does not have a specific purpose or agenda.
3. You or your group members don't have time to advertise, call the press, and make sure that the meeting is well attended.

someone with authority. If you have trouble getting a meeting right away, don't give up. There are many creative ways to remind public officials that you are part of their constituency and must be heard. For example, form a coalition of different group leaders and go together to the official's office to ask for a meeting.

• **Decide exactly what you want the official to do for you.** Don't go into a meeting simply demanding that the official do a better job of protecting the environment. Instead, decide in advance, for example, that you want the official to write a letter to the Corps stating that she does not support the project in question, or that you want the official to support a specific piece of legislation. It is best to have a prioritized list of the items you want addressed in case the official grants your first request. Decide on a fall-back position as well.

• **Once in the meeting, state your request and listen for a "yes."** If the official agrees to grant your request, thank her and move on to the next issue. Don't keep arguing after you have won. If the official refuses any or all of your requests, acknowledge that you have both gained a better understanding of each other's views, and that the meeting has been productive in that regard.

**4. To sue or not to sue.** Suppose you have played by the rules—requesting copies of permits, making comments, attending public hearings—but an agency is still pursuing a project that you think is a big mistake. Before you head for the courtroom, realize that being unhappy with the agency's decision does not automatically give you grounds for an appeal. You must be able to show that the agency did not follow the law or appropriate procedures in its permitting decision.

Even if your case contains these elements, two things must happen before you can sue: (1) the permit must be issued or denied and (2) you must appeal the decision within the agency. Appeals don't usually stop a project, so it may be necessary to seek what is called injunctive relief in order to stop or slow down the project while your appeal is in progress. You will usually need an attorney's services to file both the appeal and the move for injunctive relief.

### Finding an Attorney

Call the Tulane Environmental Law Clinic (504-865-5789) or the Earth Justice Legal Defense Fund (504-522-1394) for referrals. An attorney may agree to take the case for free or at reduced fees, but you must be prepared to do research and legwork to reduce expenses.

Should your appeal be denied, you must still consider carefully whether to pursue a lawsuit. Most lawsuits are expensive and take years to resolve. You will need to discuss your options with a good attorney who has experience in the environmental field. Be realistic about what you can achieve. For example, your likelihood of success is small if you are hoping to prove the existence of a conspiracy to shut down Louisiana's commercial fishing industry. But your chances are much better if you can prove that an administrative rule was ignored in the permitting process.

**5. Use the media.** The media can be a powerful force for advancing your cause, particularly if you want to interest politicians and agency officials in your point of view. Sometimes one good story can change an official's viewpoint.

Keep in mind, however, that press coverage is only a tool and not an end in itself. Some citizens make the mistake of pursuing press coverage at hearings and meetings at the expense of preparing solid testimony. In some situations, inviting the press to a meeting can even be a bad idea. If your group's stance on an issue is not well defined, the press will report as much, and this could damage your credibility.

With these cautions in mind, get to know the reporters at local newspapers, TV and radio stations. Once they have identified you as a good spokesperson, reporters will contact you when they cover that issue. In addition to establishing relationships with reporters, public service announcements, press releases, and press conferences can be helpful tools.

• **Public service announcements** are a good way to inform other citizens about a meeting, hearing, or

project. Three weeks before the event, write a two sentence description of the event and send it to TV stations, radio stations, and newspapers. Ask these media contacts to run your announcement as part of their community calendars.

•**Press releases** can publicize an event or a position your group has taken. Press releases should be clearly written documents that contain all of the who, what, when, where, and why facts in the first paragraph. (See Appendix G.) Don't exceed one page. Include information about the relevance of the issue and its importance to you or your group. Also include a contact person's name and phone number at the top of the press release. Fax the press release at least three days before the date of the event you want covered. If you don't have access to a fax machine mail the press release one week in advance. Allow more advance notice for weekly newspapers.

•**Press conferences** allow your group members to deliver a short presentation and answer questions from reporters. Although they can create more attention than a press release, don't hold a press conference unless you have news that will attract significant attention such as a major campaign your group is taking on, or information that would interest a diverse audience. Work with an organization like the Coalition to insure a good press turn-out.

## F. Restoration Projects

Hands-on projects to restore wetlands are a prime area for citizen involvement. Most restoration projects fall into four major categories:

**1. Christmas tree projects.** Although the idea was borrowed from Holland, Christmas tree projects have become an annual event in Louisiana. Used Christmas trees planted in the marsh act as fences that reduce wave action and help maintain wetland sediments. These projects are coordinated by the DNR Coastal Restoration Division as part of the Parish Coastal Wetland Restoration Program.

To learn about starting a Christmas tree project in your parish, call your parish coastal or environmental contact. (See Appendix A.) The DNR

### Parishes That Sponsored Christmas Tree Projects

|           |             |                      |
|-----------|-------------|----------------------|
| Calcasieu | St. Charles | St. Bernard          |
| Cameron   | St. Martin  | Plaquemines          |
| Iberia    | St. Mary    | St. James            |
| Jefferson | St. Tammany | St. John the Baptist |
| Lafourche | Terrebonne  |                      |
| Orleans   | Vermilion   |                      |

Different parishes sponsor Christmas tree projects each year. Call your local coastal zone management office or parish environmental contact (see Appendix A) and make sure that your parish plans to participate.

provides funding to parishes that implement Christmas tree projects. Contact the DNR Coastal Restoration Division for more information about conducting a project (504-342-7362; P.O. Box 44027, Baton Rouge, LA 70804-44027). Ask for a copy of the DNR's publication, *Considerations for Implementing Christmas Tree/Brush Fence Projects*.

**2. Beachsweeps and other clean-ups.** Picking up trash and litter is one of the most direct ways you can show your concern for our coast. The annual Beachsweep is the largest coastal cleanup in Louisiana and now includes a program for inland waterways as well as beaches. If you would like to participate, call the DEQ and request the name of the coordinator in your parish.

The DEQ coordinates a number of programs designed to clean up the coast, but you don't have to wait for the DEQ to take the lead; you can also organize a cleanup yourself. The Coalition's North Shore CoastWatch coordinated a basin-wide waterway cleanup called "River Day." Several hundred citizens turned out to clean up eight waterways. For more information, call the Coalition.

For more information about the following litter control programs, call the DEQ's Litter Reduction Section (504-765-0249).

- **PALS (People Against Littering):** works with local police to enact stronger litter laws. The program also monitors sensitive areas for polluters or litterers, and works to enhance litter education efforts.

- **Boaters' and Fishermen's Pledge:** encourages sportsmen to keep the outdoors clean.

- **Adopt-A-Beach:** corporations or citizen groups adopt a beach and keep it free of litter.

**3. Encouraging government action.** The best way to start a restoration project is to gain the support of local and state government officials. To combat a serious coastal erosion problem in your area, call your parish coastal contact (see Appendix A) and ask whether any restoration projects are planned to solve the problem. If you don't live in a coastal parish, call the Coalition for information. Don't be afraid to encourage action yourself if no restoration plans are already underway.

Taking the initiative requires persistence. You must collect evidence such as photos and slides, research the problem thoroughly, be able to describe the situation succinctly to government officials and the press, and continue to call local, state, and

#### How Citizens Created a Mandate for Action in Cameron Parish

The Gulf of Mexico was washing away the Constance and Holly Beach area and taking Highway 82 with it. Rodney Gilbeaux, a local citizen, noticed the problem years ago when the Gulf appeared at the doorstep of his camp in Cameron Parish. For 12 years Mr. Gilbeaux wrote local politicians, spoke with the media, and encouraged other citizens to get involved. Besides collecting slides, photos, charts, maps, and graphs that documented the problem, he hosted receptions for local politicians so they could visit the area and see the problem first-hand. He visited Baton Rouge and made presentations to legislators and state employees. As a result of these efforts, the state has placed 83 breakwaters in the area, and the rate of erosion is slowing.

#### Publicizing the Issue—One Group's Approach

In St. Charles parish, the LaBranche Wetlands Coalition decided to spread the word about the unique quality of the La Branche wetlands. With funding from the World Wildlife Fund, the citizens published a brochure describing both the importance of this tract of wetlands and the dangers that threaten it. The group has produced video, *Bayou of the Lost*.

national politicians until they take action. You have a better chance of winning support if you can prove that the erosion problem is harming roads or other infrastructure investments. Possible sources of funding for your project include the federal Coastal Wetlands Planning Protection and Restoration Act (CWPPRA), the state Louisiana Wetlands Conservation and Restoration Trust Fund, and local parishes.

**4. Monitoring programs.** How polluted are the waterbodies in your area? You can find out by conducting a series of tests that determine which tiny bugs and animals are living in the water. As some civic and conservation groups have discovered, the results of citizen monitoring tests can encourage cleanups and heighten awareness of water quality issues. In some areas, citizens have also begun to work with local and state agencies to perform chemical water quality monitoring. (See Appendices A, C, and D for contacts.)

An elaborate plan is not necessary in order to set up a group monitoring system. All you need is a rough map of the area you will monitor, established sites where monitoring will take place, and specific commitments from people as to when and where they will monitor. When picking monitoring sites, be sure to get the permission of landowners whose property you wish to use. The Coalition is exploring options for citizen monitoring programs and can provide more information about this issue.

## G. Educational Activities

Spreading the word about the Louisiana coastal zone is one of the best ways to encourage action. There are a number of different projects you and your group can undertake.

**1. Hold independent workshops.** If you would like to hold a seminar or workshop to educate citizens in your area about the coastal zone, the Coalition can provide speakers and educational materials. The Louisiana Nature and Science Center (504-246-5672) is another resource for educational materials about the Louisiana coastal zone. The Barataria-Terrebonne National Estuary Project (800-259-0869) also provides speakers and copies of its video, *Haunted Waters, Fragile Lands, Oh, What Tales to Tell!*

**2. Increase wetlands education in the schools.** In 1992, the University of New Orleans and the Louisiana Nature and Science Center sponsored Project CEED in 14 coastal parishes. Project CEED provided teachers in these parishes with hundreds of exercises about wetlands for students in grades five through seven. Check with the Science Coordinator in your parish to find out if Project CEED materials are available and/or being used. (See Appendix B for contacts.) Otherwise, your parish may need to purchase the materials, at a cost of less than \$100, and encourage local schools to use them.

The Barataria-Terrebonne National Estuary Program also provides educational materials and workshops about the estuary to science teachers. Contact the program to see if workshops are available in your area.

**3. Create outreach materials.** Develop a one page fact sheet, video, or well-organized collection of photos that describes the wetlands or coastal zone in your area. These outreach tools can help when you talk to local politicians, public agencies, and the press.

## H. Local Coastal Zone Management Offices

Parishes with local coastal zone management offices offer citizens an opportunity to become involved. These offices are established by the DNR Coastal Management Division and run by local governments. Some parish offices are assisted by an advisory council of local citizens.

### The Landowner as Conservationist

Eighty-five percent of Louisiana and 80% of coastal Louisiana are privately owned. Private landowners can provide important support for restoration efforts. For example, a group of landowners on the Tchefuncte River signed voluntary conservation agreements not to perform certain activities on their land such as timber cutting near banklines.

Agreements like these can help landowners in the long run by decreasing insurance costs and increasing property values. Your group may wish to explore how tax credits and land exchanges could encourage private landowners to invest in restoration efforts themselves or allow restoration projects on their property. Call the Coalition for more information.

Several parishes have created coastal management programs. Offices in parishes with approved coastal management programs receive partial funding from the state and can review coastal use permit applications. These offices can also comment on state permit actions and make recommendations to the police jury or parish council.

Because these offices rarely, if ever, deny permits based on citizens' concerns, don't expect your local office to give you local control over permits. However, these offices can give you valuable information about local permits, CWPPRA projects, and other activities.

When an approved coastal management program is not in place, the local coastal zone management office does not receive state money, and members of the office's commission don't review permits. Commission members can, however, encourage the adoption of a coastal zone management program and can serve as liaisons for other citizens.

Get to know the contact person in your parish's coastal zone management office (See Appendix A for numbers and addresses.) This person can accept a report on illegal activity, provide information about restoration projects, and help you comment on permit applications. Even if your parish does not have a coastal zone management office, Appendix A lists other offices that can provide information about coastal zone issues.

## Endnotes

<sup>1</sup>*Law of Wetlands Regulation*, William L. Want, Release #2, 1991, pp.13-39.

<sup>2</sup>*Wetlands and Water Quality: A Citizen's Handbook for Protecting Wetlands* Lake Michigan Federation, Chicago, 1990, p. 9.

<sup>3</sup>*Law of Wetlands Regulation*, William L. Want, Release #2, 1991, pp.13-39.

<sup>4</sup>*Ibid.*, p. 11.

<sup>5</sup>Allan Robert Adler, *Step by Step Guide to Using the Freedom of Information Act*, ACLU, ISBN 0-86566-062-X, 1992.

<sup>6</sup>"How to Get In On the Information," *Citizen's Guide to Environmental Activism*, Tulane Environmental Law Clinic, 1991, Chapter 3, pp. 1-5.



# Chapter 2:

## Reference Section

### A. Defining the Issues

#### 1. The value of the Louisiana coastal zone.

The coastal zone covers eight million acres and 7,700 miles of shoreline. Much of this area is wetlands, but other habitats exist in the coastal zone as well. The Louisiana coastal zone is unmatched in its size, beauty, and fertility. It has been compared to the Grand Canyon, the Great Lakes, and the Florida Everglades as a national treasure that must be preserved.

#### A National Treasure

- Louisiana contains 25% of the nation's coastal wetlands.
- The Louisiana coastal zone is by far the largest, most fertile ecosystem of its kind in North America and is home to many species of fish, shellfish, and animals. The Louisiana coastal zone also provides habitat for five million wintering waterfowl and thousands of other migratory and native birds.
- The market value of the commercial fish and shellfish harvest in Louisiana's coastal zone averages almost \$1 billion a year, an amount comparable to the harvest of the entire Atlantic Seaboard. Revenues from sport fishing are estimated at nearly \$1 billion annually.
- The wetlands and barrier islands act as a buffer against hurricanes and floods. As such they protect the citizens of Southeast Louisiana as well as industrial and commercial investments valued at more than \$100 billion.
- Wetlands help improve water quality by filtering nutrients, processing organic wastes, and reducing sediments before pollutants reach open water.<sup>1</sup>
- Hundreds of thousands of Louisiana citizens depend on the coastal zone for their livelihoods.

**2. What are wetlands?** Wetlands are transitional areas between water and dry land. In wetland areas, water stands at or near the soil surface often enough to determine the kinds of soils that form, the kinds of plants that grow, and the kinds of fish and wildlife that live in the ecosystem.

While this description might seem cut and dried, identifying wetlands is not easy. Some wetlands remain dry most of the year or for many years in a row, while other areas with ponds or wet soil may not be wetlands. In addition, pockets of wetland and non-wetland areas can be located next to each other. Scientists usually examine the soils, plants, and water flow in a given area to determine if it is a wetland.<sup>2</sup>

If an area has hydric soils, it may be classified as a wetland. Hydric soils are peats, mucks, or heavy clays in which the water saturation level squeezes out oxygen. Many areas in the coastal zone don't have hydric soils and thus are not officially classified as wetlands.

The following visual clues may indicate a wetland. Keep in mind however, that just because an area looks wet, does not mean that it is a wetland.

- the area lies near a river or stream or contains low spots with standing water for more than 15 consecutive days during the growing season.
- the area has plant communities such as cypress-gum swamps, cordgrass marshes, cattail marshes, bullrush or bulltongue marshes, sphagnum bogs, pine flatwoods and savannahs, or bottomland hardwood forests.
- the area is periodically flooded by tides, rivers, or backwaters.<sup>3</sup>

## What is A Wetland? The Politics of a Definition

When an area is classified as a wetland it receives special protection from the government. For example, people wanting to fill in or develop classified wetlands must obtain permits from federal, state, and sometimes local officials. Some interests have urged the federal government to narrow the definition of wetlands and make less land subject to regulation.

If these efforts succeed, many wetlands in Louisiana that are subject to the Section 404 permitting process—particularly bottomland hardwood forests—will no longer be protected. For more information about this issue, see *How Wet Is A Wetland?* published by the Environmental Defense Fund and the World Wildlife Fund. Copies are available from the Coalition.

Louisiana's wetlands include marshes, swamps, and a few pine savannah forests. People often think that marshes and swamps are the same. Actually, they are two different kinds of ecosystems. Swamps are wooded environments characterized by trees such as the bald cypress and the tupelo gum.

Marshes, on the other hand, contain grassy plants. Some Louisiana marshes are freshwater, some are slightly salty and are referred to as intermediate, some have more salt and are referred to as brackish, and some are completely salty and are referred to as saline. Each kind of marsh is home to different plants and animals.

**3. Why are wetlands disappearing?** Human activities have altered the natural processes that build and replenish wetlands. Flood control structures along the Mississippi River, the 10,000 miles of oil and gas canals that crisscross the wetlands, development, and toxic pollution from chemicals and oil fields all take their toll. Natural forces that contribute to damaged wetlands include compaction and subsidence, the gradual rise in sea level, as well as storms, hurricanes, and herbivores like nutria.

If Louisiana continues to lose wetlands at the present rate of 25 to 35 square miles each year, the state's coastal wetland system could effectively disappear within the next 50 years. The prospect of

losing this resource has spurred citizens and politicians to action. Today, the problem has begun to receive the attention it deserves.

## 4. What does no net loss of wetlands mean?

The senior President Bush made this statement famous, but policy makers in Washington are still deciding what it means. Does "no net loss" mean that the total number of wetland acres in the U.S. will not decrease? This interpretation suggests that it does not matter which individual state loses wetlands as long as the nation's total acreage remains the same. Someone could thus destroy a tract of Louisiana wetlands and make legal restitution by building wetlands in Michigan, South Carolina, or any other state in the U.S.

A better definition of "no net loss" recognizes that wetlands in different parts of the country have unique functions and values that must be preserved. In other words, wetlands in different locales are not interchangeable. According to this definition, if a section of Louisiana wetlands is harmed, a new section of Louisiana wetlands in roughly the same area would have to be replaced. In practice this is an extremely difficult task because it assumes that humans can create wetlands that are similar in function and value to those lost.

## Definitions

**Sediment:** mineral or organic matter that settles to the bottom of waterbodies.

**Delta:** the meeting place of a river and open water. When a river reaches an ocean or other body of open water, the river's sediments disperse, creating wide tracts of fertile soil and/or wetlands.

**Subsidence:** the process of sinking land. Surface subsidence is common in deltaic regions like southern Louisiana, and is caused by the natural sinking of surface soils. Geologic subsidence occurs when shifts within the earth cause land to sink. In Louisiana, the rate of geologic subsidence is about three to four feet per century.

**Compaction:** one of the processes that contributes to surface subsidence. As particles of moist, wetland soil move closer together, the total volume of soil shrinks, and the land sinks.<sup>4</sup>

## The Cost of Controlling the Mississippi

The Mississippi River drains the waters of two-thirds of the continental U.S. (counting the waters of the Missouri River which feed into the Mississippi) and carries between 50 and 63 thousand tons of sediment each day. Until the 1920s, the Mississippi slowed down as it reached the Gulf and deposited this great load of sediment around the coast, providing the raw materials for wetlands. Every thousand years or so, as the layers of sediment piled higher, the river would switch courses and find a shorter, easier pathway to the Gulf. The wetlands in the abandoned riverbed would gradually sink through the natural process of subsidence, while fresh wetlands accumulated around the new river bed. The river has changed its course eight times, creating a new delta and new wetlands with each switch. Now the river is ready to change course again and flow through the Atchafalaya River Basin.

But the river's natural inclinations have been thwarted to suit modern purposes. Instead of allowing the river to change its course, which would flood Morgan City and leave New Orleans high and dry without a port, the Corps has built a complicated series of dams and flood control structures that keep the Mississippi in place and stop the river's annual spring flood. In addition, the Corps has dredged the river to make it navigable for large ships. While these arrangements are convenient and profitable for us in the short-term, the wetlands have paid a high price.

Flood control structures and dredging have made the river swift. Instead of depositing its sediment in the coastal zone, the Mississippi races straight to the Gulf of Mexico. And because the delta now reaches far into the Gulf, the river carries its sediment into the ocean where it falls over the continental shelf. Without fresh sediment, the wetlands don't grow. Instead they disappear as a result of salt water intrusion, sea level rise, storms, pollution, and subsidence.

## B. A Sketch of the Coastal Restoration and Wetland Protection System

Restoration programs, government agencies, laws; a complex system has developed to protect Louisiana's wetlands and coastal zone. Understanding this system will help your efforts. (See Chapter 1, Section D.)

### 1. Governmental programs with jurisdiction over coastal areas and issues.

• **The Coastal Wetlands Planning, Protection, and Restoration Act of 1990 (CWPPRA)** is also known as the "Breaux-Johnston Bill." Introduced by Senator John Breaux, this federal legislation brings roughly \$50 million each year to Louisiana for planning and implementing coastal restoration projects. An additional \$5 million each year is set aside for comprehensive planning. The money can be used by any federal, state, or local agency whose

projects are dedicated to coastal restoration. Under CWPPRA, Louisiana is divided into nine coastal basins. Projects are selected on a basin-wide basis and must be approved by an inter-agency task force before they can be funded. Citizens can and do review proposed plans, propose new projects, and monitor existing projects. Call the Coalition for more information about becoming involved in this process, or ask for the Coalition's Fact Sheet: "What is CWPPRA?"

• **Louisiana Wetlands Conservation and Restoration Trust Fund** provides money for state-sponsored restoration projects as well as Louisiana's matching funds for CWPPRA and other federally funded projects. Royalties from leasing state lands in the coastal zone supply the fund's revenue. The DNR decides how the fund's revenue is spent.

• **The Barataria-Terrebonne National Estuary Program** is one of 28 EPA programs nationwide that develop management plans for protecting and restoring estuaries. In Louisiana, the EPA is funding a five-year, \$5 million program, with a 25% matching

grant from the Louisiana Wetlands Conservation and Restoration Trust Fund. The program focuses on the four million acre area between the Mississippi and Atchafalaya rivers.

## **2. Federal agencies that regulate the Louisiana wetlands. (See Appendix C for addresses.)**

- The U.S. Army Corps of Engineers** (also known as the "Corps") is part of the Department of Defense, and holds primary responsibility for regulating wetlands and navigational waters in the coastal zone. The Corps issues dredge and fill permits and builds water control projects such as dams, flood control projects, and navigation facilities.<sup>5</sup> The Corps has three districts affecting wetlands in Louisiana: the New Orleans district covers most of Louisiana's coastal areas; the Vicksburg district covers north and eastern portions of Louisiana as well as parts of Alabama and Mobile Bay; and the Galveston District covers the Sabine River Basin.

- The Environmental Protection Agency Region VI** (the EPA) covers all of Louisiana and writes the regulatory guidelines used by the Corps. The EPA has veto power over decisions made by the Corps, but rarely uses this authority. The EPA also participates in CWPPRA decision-making.

- The U.S. Department of Agriculture, Natural Resources Conservation Service; U.S. Department of the Interior, U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration; and the National Marine Fisheries Service** consult with the Corps and the DNR on permits, and participate in the CWPPRA decision-making process.

## **3. State and local agencies that regulate the Louisiana wetlands. (See Appendix C for contact names and numbers.)**

- The DEQ Office of Water Quality** regulates discharges of pollutants into waterways and wetlands.

- The DNR Coastal Zone Management Division** issues state coastal use permits in Louisiana's coastal zone in areas below a five-foot elevation. This division also writes permits for projects concerning

state-owned lands, water bottoms, state-funded restoration projects, and projects dealing with oil and gas production.

- The DNR Coastal Restoration Division** organizes state wetlands restoration programs that range from Christmas tree projects to multi-million-dollar freshwater diversion projects. The division also represents the state on the CWPPRA task force.

- The Louisiana Governor's Office of Coastal Activities** provides oversight and coordination of federal, state, and local efforts to protect and restore coastal wetlands. The office also helps decide which projects will receive the state match for CWPPRA funding.

- Local coastal zone management committees** have the authority to make decisions on permits of local concern if there is an authorized coastal management plan in that parish. The committees often participate in proposing and monitoring coastal restoration plans.

## **4. Laws that affect the wetlands.**

- The Rivers and Harbors Act**, 33 U.S.C. Section 403 et seq. (1899), gives the Corps responsibility for issuing permits for the development of the navigable waters of the United States. Navigable waters include waters and their adjacent wetlands that: (1) are subject to the ebb and flow of the tide; or (2) are currently, have been in the past, or could be used in interstate commerce. The law requires that anyone who wishes to dredge, fill, or build a structure in navigable waters obtain a permit.

- The Clean Water Act**, 33 U.S.C. Section 1251 et seq. (1977), requires that those discharging pollutants into waters of the United States obtain a National Pollutant Discharge Elimination (NPDES) Permit. For purposes of this act, waters of the United States include any waters that have a connection to interstate commerce, whether they are navigable or not.

- Section 404 of the Clean Water Act**, 33 U.S.C. Section 1344 (1977), divides wetlands jurisdiction between the Corps and the EPA. (See Chapter 1, Section D2, "Understanding Section 404.")

•**The Coastal Zone Management Act** , 16 U.S.C. Section 1451 et seq. (1972), empowers states to establish and implement coastal management programs. Louisiana divides coastal zone permitting between parishes with approved programs and the DNR. (See Chapter 1, Section H.)

•**The Endangered Species Act** , 16 U.S.C. Section 1531 et seq. (1973), is a federal law that gives special protection to endangered or threatened species, including those in the coastal zone. Listed species are protected from: 1) physical harm; 2) disruption of their feeding, breeding, or sheltering areas; and 3) habitat destruction. These protections extend to private as well as government actions that might further imperil listed species. For information about which species in Louisiana's coastal zone are protected see *Endangered and Other Protected Species, Federal Law and Regulation* written by Richard Littell® or contact the Louisiana Department of Wildlife and Fisheries.

•**The IT Decision** is officially titled *Save Ourselves, Inc. v. Louisiana Environmental Control Commission*, 430 So. 2d 1114 (La. App. 1 Cir, 1983). The Louisiana Supreme Court has held that the state constitution requires agencies reviewing permit applications to consider the environmental consequences of the application and minimize the environmental harm of any activity. Thus, an agency must consider whether alternate projects, alternate sites, or other mitigation measures would provide effective environmental protection to the wetlands or coastal areas without unduly curtailing the non-environmental benefits of the proposed project.

•**The National Environmental Policy Act** (NEPA), 42 U.S.C. Section 4321 et seq. (1975), requires that any major federal action that significantly affects the quality of the human environment be reviewed to determine the potential environmental impacts. To complete this review, the federal agency must usually develop an environmental impact statement (EIS). Major federal projects can include private activities in which the government does not act directly but which require a federal permit, such as permits for large-scale dredge and fill activities issued by the Corps. EISs written under NEPA only identify problems; they don't require that the problems be solved.

### Louisiana's Public Trust Doctrine

This law offers some guidelines for determining whether an area in the coastal zone is public or private. According to current interpretations of the law, naturally navigable waters, their banks, and the water bottoms beneath them are owned by the state in trust for the public and can't be sold. The public can thus use naturally navigable waters for commercial fishing and forestry.

However, waterways that are not naturally navigable are considered private property. You could be arrested for trespassing on these waterways. Privately owned swampland that floods and can be used for crawfishing is also considered private. For more information about the Public Trust Doctrine, call the Coalition and ask for a copy of *Tides and Titles in Louisiana's Coastal Zone*.

## C. Rethinking Our Relationship to the Coastal Zone—Some Controversial Issues

While the coastal zone is often spoken of as a place that can be seen and measured, it is in fact an ongoing process. What was marsh five years ago might be open water today. What was private property in the 1990s might now be public land (and vice versa). Because the coastal zone is always changing, there are few ironclad laws, tidy definitions, or inviolable rights. Instead, the coastal zone challenges us to rethink traditional notions of our rights as property owners and citizens. The issues described below reflect this dynamic system.

**1. Public access.** A landowner in the coastal zone might say, "This land has been owned by our company for 30 years. It's private property!" But what if this "land" is now open water? You may have also heard, "I've fished in this patch of water for years. No one can keep me out!" But what if a private landowner holds a deed to that property?

Where does the public have a right to go? When does a private landowner have the right to close his property to the public? Almost no other coastal zone issue is as hotly debated as public access rights. Confusing legal terms are part of the problem.

For example, the Louisiana "Public Trust" Doctrine states that a waterway is private if it is man-made, and public if it is "navigable in fact" or "subject to the ebb and flow of the tide." But what exactly is ebb and flow? What kind of tides is the law talking about? The law uses the highest tide in the winter season as a benchmark, but how does one determine the highest winter tide? No one really knows. Suppose the waterway is both man-made and subject to the ebb and flow of the tide. Current interpretations of the law say the area may be private, but legal challenges to this interpretation could be made.

These questions and others surround the controversy of public access. Unfortunately there are no easy answers. As the wetlands change, so do people's property and access rights. There is no one to blame. All you can do is ask the right questions and know where to seek solutions. For more information about access issues and specific land ownership questions, contact the Louisiana State Land Office (225-342-4580; P.O. Box 44124, Baton Rouge, 70804-4124).

#### Definitions

**Back filling:** the marsh management technique of refilling a hole or canal that was carved out of the wetlands.

**Impoundment:** the term means different things to different people; in the past it has been synonymous with marsh management. An impoundment is broadly defined as a man-made water control structure. Different kinds of impoundments include:

**Dikes:** banks made to contain water.

**Weirs:** small fences set in waterways to raise the water level.

**Flap gates :** enclosures that keep salty water out by allowing water to flow in only one direction.

Other marsh management techniques include stabilizing shorelines from waves and tides, burning parts of the marsh to encourage new plant growth, and controlling aquatic weeds and wildlife like nutria that threaten to overrun wetlands.<sup>7</sup>

#### Marsh Management Options for Landowners: Help Is On the Way

The Barataria-Terrebonne National Estuary Program is planning to publish a guidebook for coastal wetland landowners. The document will provide a list of options for saving land investments, as well as a complete description of the permitting processes involved. Call the program's office for more details (1-800-259-0869).

**2. Marsh management.** Marsh management is an umbrella term for a variety of techniques used to change the wetlands. Marsh management has been used for many reasons: to create ponds that will attract more ducks for hunting, to gain access to hard to reach areas, and more recently, to try to save the wetlands themselves. About one million acres, or nearly a third of Louisiana's coastal wetlands, are under some kind of marsh management system.<sup>8</sup>

However, marsh management projects can be harmful if they are done piecemeal, without regard for their effect on the overall ecosystem. For example, a landowner may build a water control structure to keep his land from eroding. The structure may solve his immediate problem, but it may also prevent the natural movement of fish, shellfish, and water through the area. In other words, the landowner may succeed in saving his land in the short term, but the larger ecosystem will suffer. The structure may also prevent fishermen from fishing in areas they have traditionally used.

The issue is a thorny one. How do landowners protect their land without harming the ecosystem or curtailing existing public rights? How do private property rights fit with bigger plans to restore our coast? Some say these priorities can't be reconciled, some say they can. Realizing that Louisiana marshes have been managed already and are far from their natural state makes the debate even more difficult.

**3. Sediment and water diversions.** Sediment and water diversions are large scale restoration projects that many view as essential to saving Louisiana's wetlands. Some policy makers and citizens disagree about when and how diversion

projects should be constructed. The issue is especially controversial when outfall from the project reduces shellfish populations in areas where fishermen have already paid for fishing leases. Sediment and water diversions also increase the possibility of contaminated waters and sediments as well as the chance that foreign plant and animal species will be transported from one area to another.

As discussed above, channels and impoundments of major rivers in Louisiana have forced delta-building sediment and fresh water offshore, into the Gulf of Mexico. Sediment diversion projects are created to try to recapture this sediment and mimic natural land building processes. Freshwater diversion projects attempt to "freshen" once fresh or slightly brackish marshes in order to reduce plant loss and encourage the return of freshwater species.

Both kinds of diversion projects create dramatic changes in the target areas, and possibly beyond. Debates continue about the advantages of a few large-scale projects versus many smaller-scale projects. However, without major restoration efforts, Louisiana will almost certainly lose one third of its fisheries in 50 years. This scenario should encourage everyone to join forces and cooperate in finding workable solutions on the diversion issue. Without a cooperative approach, the state's fisheries will continue to disappear while the arguments continue.

## Endnotes

<sup>1</sup>U.S. EPA, Office of Water, "Wetlands Fact Sheet #2, Values and Functions of Wetlands," EPA 843-F-93-001b, March, 1993.

<sup>2</sup>U.S. EPA, Office of Water, "Wetlands Fact Sheet #9, Definition and Delineation," EPA 843-F-93-001i, March, 1993.

<sup>3</sup>New Orleans District Corps of Engineers, "Wetlands in Louisiana," November, 1992.

<sup>4</sup>Robert Thomas, "Class Notes, BIOS 4653, Ecology of the Mississippi River Delta Region," fourth draft, 9/93.

<sup>5</sup>"Government Who's Who and What They Do," *Citizen's Guide to Environmental Activism in Louisiana*, Tulane Environmental Law Clinic, 1991, Chapter 1, p. 23.

<sup>6</sup>A copy of the 613 page publication is \$72 and can be obtained by calling the Bureau of National Affairs (1-800-452-7773). ISBN#0-87179-747-X.

<sup>7</sup>Robert Thomas, "Class Notes, BIOS 4653, Ecology of the Mississippi River Delta Region," fourth draft, 9/93.

<sup>8</sup>*Coastal Louisiana—Here Today, Gone Tomorrow*, The Coalition to Restore Coastal Louisiana, Baton Rouge, LA, 1989, p. 38.

# Appendices

## Appendix A: Parish Contacts

### **Assumption Parish** <sup>1</sup>

Assumption Parish Government  
P.O. Box 518  
Napoleonville, LA 70390  
Phone: 504-369-6168  
Fax: 504-369-2972

### **Calcasieu Parish** <sup>2</sup>

Coastal Use Program Administrator  
Calcasieu Parish Police Jury  
Office of Parish Planning and Development  
P.O. Drawer 3287  
Lake Charles, LA 70602  
Phone: 318-437-3511  
Fax: 318-437-3399

### **Cameron Parish** <sup>2</sup>

Coastal Use Program Administrator  
Cameron Parish Police Jury  
P.O. Box 366  
Cameron, LA 70631  
Phone: 318-775-5718  
Fax: 318-775-5567

### **Iberia Parish** <sup>1</sup>

Environmental Planning Division  
Iberia Parish Government Courthouse Building  
Suite B-130  
New Iberia, LA 70560-4587  
Phone: 318-369-4427  
Fax: 318-369-9956

### **Jefferson Parish** <sup>2</sup>

Environmental Impact Administrator  
Jefferson Parish  
1221 Elmwood Park Blvd., Suite 703  
Harahan, LA 70123  
Phone: 504-736-6440  
Fax: 504-736-6445

### **Lafourche Parish** <sup>2</sup>

Coastal Zone Management Administrator  
Lafourche Parish Council, 101 W. 112th St.  
Cut Off, LA 70345  
Phone: 504-632-4666  
Fax: 504-632-8653

### **Livingston Parish** <sup>1</sup>

Livingston Parish Council  
P.O. Box 427  
Livingston, LA 70727  
Phone: 504-665-5173  
Fax: 504-664-5283

### **Orleans Parish** <sup>2</sup>

New Orleans City Planning Commission  
City Hall, 9th floor  
1300 Perdido Street  
New Orleans, LA 70112  
Phone: 504-565-7000  
Fax: 504-565-6143

### **Plaquemines Parish** <sup>3</sup>

Plaquemines Parish Government  
P.O. Box 829  
Port Sulphur, LA 70083  
Phone: 504-392-6690  
Fax: 504-564-2761

### **St. Bernard Parish** <sup>2</sup>

Coastal Use Program Administrator  
St. Bernard Parish Planning Commission  
8201 W. Judge Perez Drive, Chalmette, LA 70043  
Phone: 504-278-4303  
Fax: 504-278-4298

### **St. Charles Parish** <sup>3</sup>

Coastal Use Program Administrator  
St. Charles Parish Council  
P.O. Box 302, Hahnville, LA 70057  
Phone: 504-783-5060  
Fax: 504-783-6447

### **St. James Parish** <sup>2</sup>

Coastal Use Program Administrator  
St. James Parish Council Courthouse  
P.O. Box 106, Convent, LA 70723  
Phone: 504-562-2262  
Fax: 504-562-2279

**St. John the Baptist Parish** <sup>1</sup>

Chief Administrative Officer  
Parish President's Office  
1801 West Airline Highway  
LaPlace, LA 70068  
Phone: 504-652-9569  
Fax: 504-652-4131

**St. Martin Parish** <sup>1</sup>

Parish Manager, St. Martin Parish Police Jury  
P.O. Box 9  
St. Martinville, LA 70582  
Phone: 318-394-2200  
Fax: 318-394-2203

**St. Mary Parish** <sup>3</sup>

Director of Planning, St. Mary Parish Council  
5th floor, Courthouse Building  
Franklin, LA 70538  
Phone: 318-828-4100  
Fax: 318-828-4092

**St. Tammany Parish** <sup>2</sup>

Coastal Use Program Administrator  
Department of Development  
P.O. Box 628, Covington, LA 70434  
Phone: 504-898-2529  
Fax: 504-898-5237

**Tangipahoa Parish** <sup>1</sup>

23115 Zemurray Garden Drive  
Loranger, LA 70446  
Phone: (504) 386-2694  
Fax: (504) 386-8593

**Terrebonne Parish** <sup>3</sup>

Director of Planning  
P.O. Box 2768  
Houma, LA 70361  
Phone: 504-873-6720  
Fax: 504-873-6874

**Vermilion Parish**

Vermilion Parish Police Jury, P.O. Box 430  
Abbeville, LA 70511-0430

Phone: 318-898-4300  
Fax: 318-898-4309

Guide to Notes

Parishes followed by a "1" do not have a coastal zone management office or an approved plan.

Parishes followed by a "2" have a coastal zone management office and an approved plan.

Parishes followed by a "3" have a coastal zone management office and a pending management plan.

## Appendix B: Organizations to Contact for Help or Information

### **Government Agencies:**

Barataria-Terrebonne National Estuary Program  
Nicholls State University Campus  
P.O. Box 2663  
Thibodaux, LA 70310  
800-259-0869  
www.btnep.org

Center for Coastal, Energy,  
and Environmental Resources  
Louisiana State University  
E302 Howe-Russell Geoscience Complex  
Baton Rouge, LA 70803

- Information Services Division (225-578-4600)
- Center for Energy Studies (225-578-4400)
- Coastal Fisheries Institute (225-578-6455)
- Institute for Environmental Studies (225-578-8521)

Environmental Protection Agency Region VI  
First Interstate Bank Tower at Fountain Place  
1445 Ross Avenue, Dallas, TX 75202  
Phone: 214-665-2263 (Wetlands Protection Section)

Louisiana Department of Environmental Quality  
Water Pollution Control Division (industrial and  
municipal permits)  
P.O. Box 82215  
Baton Rouge, LA 70884-2215  
Phone: 225-765-0508  
Fax: 225-765-0635

Louisiana Department of Natural Resources  
Coastal Management Division  
P.O. Box 44487  
Baton Rouge, LA 70804-4487  
Phone: 225-342-7591 or 800-267-4019  
Fax: 225-342-9439

Louisiana Department of Natural Resources  
Coastal Restoration Division  
P.O. Box 94396  
Baton Rouge, LA 70804-9396  
Phone: 225-342-7308

Louisiana Energy and Environmental  
Resource and Information Center  
One East Fraternity Circle  
Louisiana State University  
Baton Rouge, LA 70803-4600  
Phone: 1-800-256-ERIC  
Fax: 225-388-4541

Louisiana Department of Wildlife and Fisheries  
Natural Heritage Program  
2000 Quail Drive  
Baton Rouge, LA 70898-9000  
Phone: 225-765-2321  
Fax: 225-765-2607

Louisiana Governor's Office of Coastal Activities  
P.O. Box 94004  
Baton Rouge, LA 70804  
Phone: 225-342-3968  
Fax: 225-342-5214

U.S. Army Corps of Engineers

- New Orleans District Office  
P.O. Box 60267, New Orleans, LA 70160-0267  
Phone: 504-862-2259/862-2044 (Permits);  
504-865-1121 (Operator)
- Vicksburg District Office  
2101 North Frontage Road  
Vicksburg, MS 39180-5191  
Phone: 601-631-5293 (Permits);  
601-634-5000 (Operator)
- Galveston District Office  
P.O. Box 1229  
Galveston, TX 77553-1229  
Phone: 409-766-3930 (Permits)

U.S. Geological Survey  
National Wetlands Research Center  
700 Cajundome Boulevard  
Lafayette, Louisiana 70506  
Phone: 337-266-8500

### **Non-Profit/Public Interest Groups:**

Audubon Institute  
P.O. Box 4327  
New Orleans, LA 70178-4327  
Phone: 504-861-2537

Coalition to Restore Coastal Louisiana  
200 Lafayette St., Suite 500  
Baton Rouge, LA 70801  
Phone: 225-344-6555  
Fax: 225-344-0590

Tulane Environmental Law Clinic  
6329 Freret St.  
New Orleans, LA 70118  
Phone: 504-865-5789  
Fax: 504-862-8721

Lake Pontchartrain Basin Foundation  
P.O. Box 6965  
Metairie, LA 70009-6965  
Phone: 504-836-2215  
Fax: 504-836-7283

Louisiana Environmental Action Network  
P.O. Box 66323  
Baton Rouge, LA 70806  
Phone: 225-928-1315  
Fax: 225-922-9247

Louisiana Nature and Science Center  
P.O. Box 870610, New Orleans, LA 70187-0610  
Phone: 504-246-5672  
Fax: 504-242-1889

Nature Conservancy of Louisiana  
P.O. Box 4125, Baton Rouge, LA 70821  
Phone: 225-338-1040  
Fax: 225-338-0103

Louisiana Wildlife Federation  
P.O. Box 65239  
Baton Rouge, LA 70896-5239  
Phone: 225-344-6762  
Fax: 225-344-6707

**Citizen Groups:**

Baton Rouge Audubon Society  
Phone: 225-768-9874

Calcasieu League for Environmental Action Now  
P.O. Box 3244  
Lake Charles, LA 70602

Cedar Grove Community Group  
10607 Highway 23  
Belle Chasse, LA 70037  
Phone: 504-656-7798

Citizens Against Illegal Dumping  
P.O. Box 1407  
Denham Springs, LA 70727

Delta Greens  
P.O. Box 79, Loyola University  
New Orleans, LA 70118

Gulf Restoration Network  
400 Magazine St.  
New Orleans, LA 70130  
Phone: 504-525-1528  
Fax: 504-566-7242

LaBranche Wetlands Coalition  
7607 Hampson St.  
New Orleans, LA 70118

League of Women Voters State Office  
850 N. 5th St. #103  
Baton Rouge, LA 70805

Louisiana Audubon Council State Office  
355 Napoleon  
Baton Rouge, LA 70802-5964  
Phone: 504-346-8761

Mississippi River Basin Alliance  
400 Magazine St.  
New Orleans, LA 70130  
Phone: 504-588-9008 Fax: 504-566-7242

North Shore CoastWatch  
59126 Highway 433  
Slidell, LA 70460

Phone: 504-643-1684  
Orleans Audubon Society  
P.O. Box 4162  
New Orleans, LA 70178-4162

Save Our Homes and Land  
807 Dugas Road  
Lafayette, LA 70507

Save Our Lakes and Ducks  
4533 Foret  
Addis, LA 70710

Sierra Club New Orleans/Delta Chapter  
5534 Canal Blvd., #2  
New Orleans, LA 70124  
Phone: 504-482-9566

South Louisianians Against Pollution  
1058 People St.  
Thibodaux, LA 70301  
Phone: 318-988-1116

St. John Citizens for Environmental Justice  
P.O. Box 2591  
Reserve, LA 70084

Tulane Green Club  
University Center, Room 205  
Tulane University  
New Orleans, LA 70118

Vermilion Association to Protect the Environment  
P.O. Box 113  
Kaplan, LA 70548

W.A.T.E.R.S.  
P.O. Box 490  
Pollock, LA 71467

Women for a Better Louisiana  
P.O. Box 19735  
New Orleans, LA 70179

Sportsmen's and commercial fishing organizations are often active in conservation and coastal restoration issues. For the phone numbers of groups in your area call the Louisiana Wildlife Federation, the Coalition, or your local coastal use administrator.

Phone: 504-887-9480

## **Appendix C: Regional Offices of the DEQ's Water Surveillance Division**

Acadiana Regional Office  
111 New Center Drive  
Lafayette, La. 70508  
Phone: 337-262-5584 /Fax: 337-262-5593

Bayou Lafourche Regional Office  
104 Lococo Drive  
Raceland, La. 70394  
Phone: 985-532-6206/Fax: 985-532-9945

Capitol Regional Office  
11720 Airline Highway  
Baton Rouge, LA 70817-1720  
Phone: 225-295-8480/Fax: 225-426-8416

Kisatchie Central Regional Office  
402 Rainbow Drive, Bldg. 402  
Pineville, LA 71360  
Phone: 318-487-5656/Fax: 318-221-5927

Northeast Regional Office  
1823 Hwy 546  
West Monroe, La. 71292-0442  
Phone: 318-362-5439 /Fax: 318-362-5448

Northwest Regional Office  
1525 Fairfield, Room 520  
Shreveport, LA 71101-4388  
Phone: 318-676-7476/Fax: 318-676-7573

Southeast Regional Office  
201 Evans Road, Bldg 4, Suite 420  
New Orleans, LA 70123-5230  
Phone: 504-736-7701/Fax: 504-736-7702

Southwest Regional Office  
1301 Gadwall Street  
Lake Charles, LA 70615  
Phone: 337-491-2667/Fax: 337-491-2682

**Appendix D:  
Sample Letter Requesting Permit  
Information from the DEQ**

Secretary  
Department of Environmental Quality  
P.O. Box 82263  
Baton Rouge, LA 70884-22263

Dear (Secretary's name):

According to the recently enacted Act 269, to amend and reenact La. R.S. 30:2022(A), the Secretary of the Department of Environmental Quality is required to give written notice of the filing of environmental permit applications and variance requests to any public interest group or individual within the affected parish, who has requested notice in writing and provided a mailing address.

I am hereby requesting written notification of any environmental permit, registration, variance, or license application and related matters in the parish of (parish name)\_\_\_\_\_ for (group or citizen's name)\_\_\_\_\_.

Please send written notice of the filing of such applications to the address below.

Sincerely,

Name\_\_\_\_\_

Group\_\_\_\_\_

Address\_\_\_\_\_

## Appendix E: Sample FOIA Request Letter

Reprinted with permission from *The Citizen's Guide to Environmental Activism*, Tulane University Environmental Law Clinic, New Orleans, 1991, p. 3-12.

Date  
Freedom of Information Officer  
Name and Address of Government Agency

Re: Freedom of Information Request for \_\_\_\_\_

Dear Sir or Madam:

Pursuant to the Freedom of Information Act, 5 U.S.C. §552, I hereby request a copy of (access to) all records pertaining to (clearly describe what you want. Include identifying material, such as names, places, and the period of time about which you are inquiring. If you think they will help to explain your request, attach news clips, reports, and other documents describing the subject of your request.)

If any expenses in excess of \$\_\_\_\_\_ are incurred in connection with this request, please obtain my approval before any such charges are incurred.

OR

I request a waiver of any fees connected with this request, because (your group) is a non-profit organization and this request is made in the public interest and furnishing this information can be considered as primarily benefiting the general public. This information will be used by (your group) to (explain what the information will be used for and why the release of this information will benefit the public.) This information will not be used for the financial or commercial benefit of (your group) or any of its members. If for any reason my request for information cannot be sent free of charge, I request that I be notified immediately of the reasons behind the denial and the cost that will be involved prior to any copying. I do not give up my right to appeal any denial.

Should you decide the requested material is not to be disclosed, please describe the material withheld and specify in detail the statutory or administrative basis for withholding it. All segregable, non-exempt parts of the document should be provided.

I expect a response within ten days as required by law. If you have any questions or require clarification of this request, please contact me at the phone number listed below. Thank you for your prompt attention to this matter.

Your Name  
Return address  
Phone number

cc: (name of the agency employee who you have spoken to, who you think has the documents, or who has helped you with a similar request in the past.)

## Appendix F: Sample Press Release

November 2, 1994  
For Immediate Release

Contact: Mark Davis (225-522-6278)

### Coalition Hails Delay of RTC Auction of Oak Harbor East

An eleventh hour decision by the Resolution Trust Corporation on November 1, to delay an auction of the nearly 3,000 acre Oak Harbor East tract in Slidell was hailed by the Coalition to Restore Coastal Louisiana as a major victory in the effort to restore Louisiana's coast. Until a last ditch effort by U.S. Senator J. Bennett Johnston succeeded in delaying the sale, the RTC had planned to close the bidding on the property at noon on November 2.

"It was great news," said Mark Davis, executive director of the Coalition. "This makes it possible for the state and the Coastal Wetlands Planning, Protection, and Restoration Act (CWPPRA) Task Force to have a fair chance to use that property for a much needed wetlands restoration project." The CWPPRA Task Force is a multi-agency state and federal task force charged with developing restoration plans and projects to benefit coastal Louisiana.

Under the new RTC plan, the property will be treated as a "special resources property" until January 30, 1995 to allow consideration of appropriate noncommercial proposals, such as a CWPPRA restoration project, for the property. If no such valid projects are received by January 30, the property will once again go on the auction block.

The Coalition to Restore Coastal Louisiana is a not-for-profit coalition of businesses, trade associations, environmental groups, state and local government bodies, civic groups, commercial fishermen, recreational users, and concerned individuals dedicated to restoring Louisiana's coastal lands and resources to a healthy, sustainable condition. The Coalition was formed in 1988.

## Appendix G: Glossary

**Back filling:** the marsh management technique of refilling a hole or canal that was carved out of the wetlands.

**Chenier:** a sandy island in the marsh that marks a former shoreline. Cheniers are frequently covered by oak trees, and are found in the area between the Texas border and the mouth of the Atchafalaya River. This area is known as the Chenier Plain.

**Compaction:** one of the natural processes that causes wetlands to sink. As particles of moist, wetland soil move closer together, the total volume of soil shrinks, and the land sinks.

**Delta:** the meeting place of a river and open water. When a river reaches an ocean or other body of open water, the river's sediments disperse, creating wide tracts of fertile soil and/or wetlands.

**Detritus:** decaying plant materials that form the basis of wetland ecosystems.

**Dike:** a bank that is used to contain or control water.

**Ecosystem:** a system formed by the interaction of a community of organisms with their environment.

**Erosion:** the process by which earth (including wetlands) are worn away by winds, waves, and water.

**Fastland:** the area immediately behind a levee.

**Flap gates:** enclosures that keep salt water out of fresh water by allowing fresh water to flow in only one direction.

**Floatant:** a floating island of peat or soil that resembles dry land, but that can easily be destroyed by storms or human activity.

**Fluvial:** an adjective describing items that are found in or produced by a river.

**Impoundment:** broadly defined as a man-made water control structure. Different kinds of impoundments include dikes, weirs, and flap gates.

**Spoil banks:** the artificial levees created by digging canals in the wetlands.

**Subsidence:** the process of sinking land. Surface subsidence is common in deltaic regions like southern Louisiana, and is caused by the natural sinking of surface soils. Geologic subsidence occurs when shifts within the earth cause land to sink. In Louisiana, the rate of geologic subsidence is about three to four feet per century.

**Weir:** a small fence set in a waterway that is used to raise the water level.

## Appendix H: Acronyms

**BTNEP:** Barataria-Terrebonne National Estuary Program

**COE:** Corps of Engineers (U.S. Army)

**CRCL:** Coalition to Restore Coastal Louisiana

**CWPPRA:** Coastal Wetlands Planning, Protection, and Restoration Act of 1990 (also known as the Breaux-Johnston Bill)

**CZMA:** Coastal Zone Management Act

**DEQ:** Department of Environmental Quality

**DNR:** Department of Natural Resources

**DNR-CMD:** Department of Natural Resources Coastal Management Division

**DNR-CRD:** Department of Natural Resources Coastal Restoration Division

**DWF:** Department of Wildlife and Fisheries

**EIS:** Environmental Impact Statement

**EPA:** Environmental Protection Agency (U.S.)

**FWS:** Fish and Wildlife Service (U.S.)

**NEPA:** National Environmental Policy Act

**NMFS:** National Marine Fisheries Service (U.S.)

**NPDES:** National Pollutant Discharge Elimination Permit

**NRCS:** Natural Resources Conservation Service, formerly the Soil Conservation Service (U.S.)