

# LOUISIANA COASTAL LAW

Coastal zone  
management  
in Louisiana

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Contents:

Introducing LCL . . . . p. 1  
'71 La. Legislature . . p. 2-4

LOUISIANA COASTAL LAW is an advisory service of the Office of Sea Grant Development and the Law Center of Louisiana State University, circulated to individuals with a direct interest in coastal Louisiana. Our purpose is:

- to supply information on current state and federal legislation, administrative actions and judicial decisions affecting protection and use of the coastal environment.
- to develop a consciousness toward coordination and cooperation in using the coastal marshlands and estuaries of Louisiana and to explore the role of law in promoting coordination and cooperation.
- to note trends in the law in areas of: multiple use, compatible use, preservation and development, permit systems, environmental impact studies, coastal zone management planning, land use controls, water quality controls, etc.

We will follow the work of the Louisiana Advisory Commission on Coastal and Marine Resources (see page 2) in its formulation of a coastal zone management plan for the State of Louisiana by September, 1973.

We will act as a forum and information source for the continuing dialogue on the broader policy issues of managing resource use and activity in coastal Louisiana.

We will view coastal affairs in light of the broader problems facing Louisiana - new sources of revenue, constitutional revision, the reorganization of the executive branch of government, and others.

We will act as a center and clearinghouse for legal news affecting resource use in coastal Louisiana with a limited capability of responding to individual requests relating to coastal and marine resource law news. (Not to be construed as practicing law. We could not comment upon specific legal issues or specific concrete problems which would normally be referred to an attorney.)

Our audience includes decision-makers and policy-formulators from:

- .Government bodies (all levels) with an interest in coastal Louisiana.
- .Fish and shellfish industry.
- .Transportation (via water) industry.
- .Oil and gas industry.
- .Landowners in coastal marshes.
- .Recreation, conservation and ecology groups.
- .Coastal Louisiana labor groups.
- .Citizen action groups in coastal Louisiana.
- .Any other interested groups.

We invite comments, suggestions, and news which might be of interest to all of our readers. We hope to publish semi-monthly Reports. Future Reports will deal with Federal CZM Legislation, Programs and Laws of Other Coastal States, CZM Goals and Objectives, and many others.

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THE 1971 LOUISIANA LEGISLATURE AND THE COASTAL ZONE

ACT 35 - LOUISIANA ADVISORY COMMISSION ON COASTAL AND MARINE RESOURCES. Nine Commissioners will be appointed shortly to start work on the La. Coastal Zone Management Plan, due for general distribution to all interested persons by Sept. 15, 1973. The Commissioners will represent fishing, oil and gas, transportation, labor, land owners, environmentalists, marine scientists and state resource officials. They will be studying all aspects of managing the coastal area, and will be keeping a close eye on federal legislation on CZM which is expected to pass this session.

Potentially, this group can do the most for the future of La's coastal zone. They are broadly representative of private as well as public interests. They will have the resource backing of the Sea Grant Programs at LSU and Nichols State. They are authorized a \$50,000 budget, with a strong chance for federal matching funds. They are small enough in number so that meaningful interaction can occur at "shirt sleeve" sessions. They have a deadline to meet (Sept. '73, after which they cease to exist) thus insuring that a product will be forthcoming.

LCL will do a special report on the work of the Commission once they get organized. This group is the one to watch for developments in long-term coastal planning. Write us if you would like a copy of ACT 35.

ACT 15 - \$1,000,000 APPROPRIATION TO SAVE GRAND ISLE. This state money was needed to start planning details of construction of jetties to stop further loss of the beaches at Grand Isle. Governor McKeithen declared the matter "emergency" and it was one of the first measures he signed at the '71 session. If not studied thoroughly, jetties can cause bad side-effects, as was discovered in New Jersey and California.

An interesting side point. The Governor will have to enter into an agreement with the U. S. to ensure that the new jetty will not be considered the "coastline" at some future date. This would give La. a lot of additional oil-rich submerged lands, and take it away from the U. S. Federal officials are not about to have the U.S. Corps of Engineers pay for most of the work with a resulting loss in oil revenues to the U.S.!

\$125,000 APPROPRIATION FOR LSU SEA GRANT PROGRAM. This money is a tremendous shot in the arm for the state and its coastal zone program. Besides allowing needed programs to develop, it shows the federal Sea Grant Office (NOAA, Dept. of Commerce) that Louisiana is seriously committed to supporting its Sea Grant effort - a necessary showing for higher grants in the future and "Institutional Status". As a Sea Grant Institution, LSU can anticipate continued, high-level support on a par with other large Universities (Oregon, Miami, Rhode Island, Texas A & M) and on a priority basis, should federal money get tight. The money will serve a very important immediate need--part of the one-third matching funds required under the federal Sea Grant Program. Last year's Sea Grant budget was \$485,000. With the new state money, and the expected budget increase from Washington, Sea Grant may climb to the \$700,000 level for FY '72.

ACT 99 - SHRIMPERS AND THE INSIDE-OUTSIDE BOUNDARY LINE. When the La. Supreme Court decided the cases of La. v. Sevin and Darder on Nov. 9, 1970, the cry was: Do we have a shrimp law any more? The court called the statute defining the inside-outside waters unconstitutionally vague, and threw out the attempted prosecution of some trawlers who were caught in Caillou Bay during the closed season by Wildlife and Fisheries agents. The Commission immediately promulgated an order at its February meeting redrawing the boundary line. Disputes arose as to where the closing line should be--the small boat shrimpers trying to get more waters declared "inside" while the big operators vying for a tighter line.

One point they all agreed upon--an order of the Commission was not enough. The statute would have to be amended by the legislature. Act 99 was adopted which draws the boundary line very precisely. Only one problem, somebody at the legislature dropped a page, and the Governor signed a law with a page missing. At their July meeting, the WLFC adopted a resolution filling in the missing boundary description.

BOUNDARIES AND OWNERSHIP..... These are two legal issues we'll probably have lots to report about.

HCR 455 - Ward McIlhenny preserve ownership dispute continues. The legislature wants the issue settled by the final judgment of the courts, not by compromise.

Sabine River - Texas and Louisiana continue the court fight over the boundary in the river. At issue is whether the boundary is in the middle of the river, or along the western shore as claimed by Louisiana. Because of the oil royalties, this one will probably continue for awhile.

Tidelands - La. and the U.S. have been at this one a long time. The date of the conclusion of the controversy is now projected as 1973. Over \$1 billion is at stake.

Atchafalaya Basin - The River and Stream Accretion Commission (Chmn., State Rep. T.T. Fields) got \$150,000 from the executive budget to begin an infra-red mapping project for the state owned water bottoms in the Basin. The study will help facilitate the state's claim to ownership of these areas so that effective (and money making) management programs for these lands can be implemented.

#### RECREATION IN THE COASTAL ZONE

Sandy Beach recreational area between Grand Isle and Holly Beach area - study to be continued under HCR 436.

Atchafalaya Basin - Federal Recreation Area or not? That's the issue. The Governor's Atchafalaya Basin Commission (about thirty officials from many interests) continues to study the problem. HCR 473 urges that the Governor's Commission consider all alternate solutions to ensure wise use of the Basin other than federal expropriation.

#### TRANSPORTATION IN THE COASTAL ZONE

\$25,000 Appropriation to La. Coastal Commission (formerly the Intracoastal Seaway Commission) to continue studies of a deepwater canal between Bayou LaFourche and the Sabine, along the head of the marshes.

Superport Advisory Committee appointed by the Governor (Chairwoman Ellen Bryan Moore, Register of State Lands) to determine the state's stake in a Superport. Unfunded at present, the Committee hopes to get some in-depth feasibility studies going as soon as possible. Sea Grant may be able to help as well as other state agencies and Universities. When Texas released their June, 1971, report on a superport along Texas' coast, the people in La. started getting busy! They rejected the two bids for leases on state water bottoms in Garden Island Bay (where the water is already deep enough for the projected supertankers and cargo vessels) in order to make a full and complete evaluation before action is taken.

ENVIRONMENTAL MEASURES AND THE COASTAL ZONE

\$100,000 appropriation for the Joint Legislative Committee on Environmental Quality.

They issued a detailed report which was well received at the legislature. Senator Sam Nunez foresees a hard-working year for the Committee--they hope to come out with a major package of environmental bills for the '72 session. (SCR 262 continues their existence for another year.)

ACT 100 - Interstate Compact on Environmental Control - Permits states to enter into interstate environmental agreements without U.S. consent. This could be a useful device in coastal areas.

SRC 151 & HCR 153 - Urges state agencies to gather environmental data and institute public information and education programs, and declares that protection of the environment is of equal importance with industrial development.

Water Quality - Act 146 facilitates financing and coordination of water pollution control programs. HCR 448 creates a legislative committee to look for New Orleans drinking water in places other than the Miss. R. HCR 523 creates a legislative committee to study industrial waste disposal problems.

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COMMENTARY

Louisiana can have the most productive and enjoyable coastal area of any state in the U. S. We must recognize that past policies have had an adverse impact on the coastal environment. It is proven that the influence of man has caused the loss of an average of 16 1/2 sq. mi. of land per year from Louisiana's coastal zone. We know that the Atchafalaya Basin is silting up so fast that the process is irreversible. We know that some of the streams of the coastal zone are "dead," and would require strong management procedures to bring them back to life. The environmental issue is the critical issue of the coastal zone today. Proper management procedures, based on studies of long-term effects of activities in the coastal zone, can preserve the region as a productive one for industry and trade and a haven for recreation and enjoyment. The La. Advisory Commission on Coastal and Marine Resources is designed to start us thinking about the long-term uses for the coastal zone and the protection measures that should be taken. It is urged that Gov. McKeithen strongly support the Commission when budget-time arrives and that all gubernatorial candidates pledge that they will support the Commission's work and carefully review the Coastal Zone Management Plan submitted to the people in 1973. (MJH)

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Documents available:

"Louisiana and Coastal Zone Management" - a short summary memo on where La. now stands in CZM including texts of Act 35 (1971) establishing the Louisiana Advisory Commission on Coastal and Marine Resources, and SCR 8 (1970) establishing the Joint Legislative Committee on Environmental Quality.

Comparison and analysis of federal CZM bills - A series of memos comparing similar and contrasting provisions of proposed federal legislation.

"Wetlands - A Resource of the Future" -- Color pamphlet on the potential of Louisiana's coastal wetlands, and the program of research, education and advisory services at LSU's Center for Wetland Resources.

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