

Spring 2002

2002 Starts Out as an Active Year on the Coastal Front

In the past decade, coastal restoration managers have seen a number of technological and scientific victories in the war against coastal land loss. Most successes have occurred in the areas of project design, management, and monitoring, but there have also been some near-misses, such as the recent Brown Marsh Crisis which threatened more than three hundred thousand acres of coastal marsh. Yet, the most chronic battles in this coastal war do not center on engineering or environmental constraints. Rather, these campaigns require the resolution of social disputes, primarily between restoration proponents and coastal fishermen. In the past 2 years the most prominent of these disputes has been between proponents of freshwater re-introductions and certain members of Louisiana's oyster industry. The first three months of 2002 have seen an escalation of this conflict.

Half a Billion in Judgements

Since the Caernarvon Freshwater Diversion Project became operational in 1992, lawsuits by commercial oystermen have resulted in more than \$566 million in judgements against the state. State and parish courts have ruled that the freshwater influx from Caernarvon has destroyed privately-leased oyster beds of the



January 18th and February 21st - Private oyster lease holders in the Breton Estuary are awarded \$518 million in two State District Court rulings in lawsuits over the Caernarvon Freshwater Reintroduction.

Breton Estuary. The state has appealed an earlier decision of \$48 million awarded on behalf of five plaintiffs who had oyster leases in Breton Sound. But in the first 2 months of 2002, an additional \$518 million has been awarded to 56 additional plaintiffs in a regional District Court. The Louisiana Department of Natural Resources has stated that it will appeal these rulings.



February 28th - The Governor's Committee on the Future of Coastal Louisiana releases their report, "Saving Coastal Louisiana: A National Treasure." Included in the Report is a recommendation for a moratorium on new oyster leases (NRCS photo).

Oystermen have also sued the federal government, specifically, the U.S. Army Corps of Engineers who coordinated construction of the Caernarvon project. However, a federal judge ruled and the 5th U.S. Circuit Court of Appeals agreed that the oystermen had no claim. The 5th Circuit said the oyster harvesters signed the leases even though they knew that plans to reverse saltwater intrusion had been talked about since the early 1900s and were being actively worked on by the 1950s.

Governor's Commission Releases Report

As oyster litigation was heating up in early 2002, a blue ribbon commission appointed by Governor Foster was preparing the release of a status report on Coastal Restoration. In their report of February 28th, *"Saving Coastal Louisiana: A National Treasure"* the Governor's Committee on the Future of Coastal Louisiana (COFCL) made a number of specific recommendations, including the development of a formal commission to guide the

state toward a \$14 billion, 20-year coastal restoration program. According to the COFCL report, such a massive program would require changes in how the state manages coastal restoration, such as finding \$150 million to \$200 million a year in cash and services to match federal budget requests. Regarding the ongoing conflict between freshwater diversions and oysters, the Committee recommended that:

"...The Governor should direct the appropriate agencies to temporarily refrain from executing any new leases, permits, or other contracts that conflict with the fundamental public policy of the state to conduct coastal restoration activities..."

An electronic copy of the COFCL has been posted on the Department of Agricultural Economics & Agribusiness web site. http://www.ageconextension.lsu.edu/CaffeyWeb/ COFCL%20final%20rpt.pdf

LWFC Declares Oyster Lease Moratorium

One week after release of the COFCL report, the Louisiana Wildlife and Fisheries Commission (LWFC) voted to institute an immediate and indefinite moratorium on issuing new oyster leases along stateowned water bottoms. The moratorium was enacted in response to \$1 billion in potential losses to the state resulting from oyster lawsuits in Plaquemines, St. Bernard and Jefferson parishes.

The unanimous vote by the seven-man LWFC includes an estimated 600 pending lease applications in the Department of Wildlife and Fisheries' Baton Rouge headquarters. There is no indication on when or if the moratorium on new oyster leases will end.



March 7, 2002 - Facing an estimated \$1 billion in lawsuits from the oyster industry, the Louisiana Wildlife and Fisheries Commission declares an immediate and indefinite moratorium on the issuing new oyster leases along state-owned water bottoms. (Photo by Fonville Winan 1938).

Davis Pond Dedicated

Amidst increasing oyster controversy over Caernarvon, an even larger freshwater diversion project was dedicated on March 26th in a ceremony by the Corps and LaDNR. The opening of the Davis Pond Freshwater Reintroduction may signal an emerging détente between coastal restoration proponents and oystermen. A \$7.5 million Oyster Lease Relocation Program has been successfully initiated at the recently completed project and flow regimes have already been structured around salinity accommodations for other commercial fisheries, such as brown shrimp and white shrimp.



March 26, 2002 - The Davis Pond Freshwater Diversion is dedicated in a ceremony by the Corps and LaDNR. The diversion is billed as the largest coastal restoration project ever built. (USACE Photo)

Additionally, an alternative flow management plan recently tested at Caernarvon could possibly be used to maximize the permissible flow rate of Davis Pond. The new "pulsed" flow regime allows for very high flow rates to be maintained over short periods to help spread water and nutrients over a greater surface area of marsh. Strategically used, a pulsed flow regime could improve the prospect of providing maximum ecological benefits while minimizing short-term fisheries impacts.

Stay Tuned

The first quarter of 2002 has seen mounting awards from oyster lawsuits, release of the COFCL report, a statewide oyster lease moratorium, and the opening of the largest freshwater diversion to date. Taken together, these factors may all be forcing this issue towards resolution in this year's legislature. The remainder of 2002 could prove crucial in determining how Louisiana reconciles the short term and long term

<u>Sources:</u> Committee on the Future of Coastal Louisiana. 2002. Saving Coastal Louisiana: Recommendations for Implementing an Expanded Coastal Restoration Program. Baton Rouge, LA: Governor's Office of Coastal Activities. February. Dunn M. and J. Macaluso The Advocate.



Chief Engineer Cites Davis Pond as Example of Corps "Greening"

Lieutenant General Robert B. Flowers, Commander and Chief of Engineer of the U.S. Army Corps of Engineers reaffirmed a new environmental stewardship role for the Corps during a recent speech at the dedication of the Davis Pond Freshwater Reintroduction Project. Davis Pond is a good example, Flowers said, of how the Corps' is committed to balancing human need, economic growth and the environment, "In projects from coast to coast, the Corps already does much that is embodied in these principles." They make clear the connection between water resources, protection of environmental health and the security of our country, Flowers said.

The newly affirmed commitment to the environment by the Corps is characterized by the recent development of seven "Environmental Operating Principles" applicable to all its decision-making and programs. These principles foster unity of purpose on environmental issues, reflect a new tone and direction for dialogue on environmental matters, and ensure that employees consider conservation, environmental preservation and restoration in all Corps activities.

Environmental sustainability can only be achieved by the combined efforts of federal agencies, tribal, state and local governments, and the private sector, each doing their part, backed by the citizens of the world. These principles help the Corps define its role in that endeavor.

Chief of Engineers Lt. Gen. Robert Flowers says the principles provide the Corps direction on how to better achieve its stewardship of air, water and land resources, while demonstrating the connection between water resources, protection of environmental health and the nation's security.

By implementing these principles, the Corps will continue its efforts to develop the scientific, economic and sociological measures to judge the effects of its projects on the environment and to seek better ways of achieving environmentally sustainable solutions.

The principles are consistent with the National Environmental Policy Act, the Army's Environmental Strategy with its four pillars of prevention, compliance, restoration and conservation, and other environmental statutes and Water Resources Development Acts that govern Corps activities. They will be integrated into all project management processes. The seven new Environmental Operating Principles for the U.S. Army Corps of Engineers are:

- 1 Strive to achieve environmental sustainability. An environment maintained in a healthy, diverse and sustainable condition is necessary to support life.
- 2 Recognize the interdependence of life and the physical environment. Proactively consider environmental consequences of Corps programs and act accordingly in all appropriate circumstances.
- 3 Seek balance and synergy among human development activities and natural systems by designing economic and environmental solutions that support and reinforce one another.
- 4 Continue to accept corporate responsibility and accountability under the law for activities and decisions under our control that impact human health and welfare and the continued viability of natural systems.
- 5 Seeks ways and means to assess and mitigate cumulative impacts to the environment; bring systems approaches to the full life cycle of our processes and work.
- 6 Build and share an integrated scientific, economic, and social knowledge base that supports a greater understanding of the environment and impacts of our work.
- 7 Respect the views of individuals and groups interested in Corps activities, listen to them actively, and learn from their perspective in the search to find innovative win-win solutions to the nation's problems that also protect and enhance the environment.

Source: USACE NO District Public Affairs



Lt. Gen. Robert Flowers, the Chief of Engineers, reaffirmed the U.S. Army Corps of Engineers' seven Environmental Operating Principles at the Davis Pond Dedication Ceremony on March 26th, 2002 (USACE photo).



New Publication Series To Address "Sticky" Coastal Issues

Difficult questions are arising as Louisiana begins to more fully address its crisis of coastal wetland loss. Debates have emerged over the type and degree of proposed restoration measures, public and private property, and the allocation of state and federal restoration funds. In an effort to address some of these controversial issues, a new publication series is being developed by the Marine Extension Project (MEP), a partnership of the LSU AgCenter and Louisiana Sea Grant College Program. The *Interpretive Topic Series on Coastal Restoration in Louisiana* is a set of 6 publications funded by the Coastal Wetland Planning, Preservation, and Restoration Act. The first half of this series was recently completed, and includes monographs on 1) freshwater diversions and fisheries , 2) Mississippi River water quality, and 3) the Mississippi River Gulf Outlet.

These new publications constitute a form of "adaptive outreach", providing status reports on what is known, and what is unknown regarding controversial coastal issues. The MEP has a long history of adaptive outreach and is frequently sought out for objective, third party assessments on issues ranging from fisheries management to wetland regulation. Future publications in this series will address the Coast 2050 Plan, coastal landowner issues, and the disparity of wetland restoration funding between Louisiana and Florida. Electronic copies of the publications below are available on line at: http://www.ageconextension.lsu.edu/CaffeyWeb/TopicSeries.htm. Printed copies are available through parish extension agents, or by contacting Rex H Caffey (rcaffey@agctr.lsu), Assistant Specialist, Wetland and Coastal Resources, Department of Agricultural Economics & Agribusiness, LSU, Baton Rouge, La 70803.



Fisheries Implications of Freshwar Re-Introductions

Provides an overview of the historical aspects of Louisiana fisheries in the context of pre- and post-levee construction on the Mississippi River. Data from the Caernarvon Freshwater Diversion is used to describe the relationship between freshwater reintroduction and estuarine fisheries productivity. The report characterizes the conflict between Louisiana's short-term and long-term goals of coastal restoration and coastal fisheries management. Written by Rex H. Caffey and Mark Sckexnayder (7 pages).

Mississippi River Water Quality: Implications for Coastal Restoration

Provides information regarding chemical, biological, and physical parameters of Mississippi River water quality and addresses public concern over the potential pollution associated with using the Mississippi River for coastal restoration projects. This collective analysis of scientific studies suggests that the River poses little or no threat of pollution in diversion projects. Trade-offs between potential water quality risks and diversion benefits are presented. Written by Rex H. Caffey, Paul D. Coreil, and Dennis Demcheck (4 pages).

Closing the Mississippi River Gulf Outlet (MRGO): Environmental and Economic Considerations

Provides a synoptic overview of this 40 year-old navigation channel from project inception through modern day. Economic and environmental impacts related to the MRGO are documented for St. Bernard Parish and potential restoration scenarios are described. Additional information is provided on the time and financial resources required to fully address the environmental degradation caused by the MRGO. Written by Rex H. Caffey and Brian Leblanc (4 pages).



Farm Bill Nears Completion: Conservation Spending to Escalate

On March 19th 2002, lead negotiators of the House/ Senate Farm Bill Conference issued the following statement by Conference Committee/House Agriculture Committee Chairman Larry Combest (R-Texas), Senate Agriculture, Nutrition and Forestry Chairman Tom Harkin (D-Iowa), House Agriculture Committee Ranking Member Charlie Stenholm (D-Texas) and Senate Agriculture Nutrition and Forestry Ranking Member Richard Lugar (R-Indiana):

"Farm Bill negotiators today struck agreement on the needed framework to speed negotiations for early April completion of the House-Senate Conference Report. This framework allows for incorporating the many policy initiatives within the overall \$73.5 billion agreed-upon ten-year farm bill budget. Members of Congress on the Conference Committee expect to be positioned to make the final farm bill decisions in public meetings of the Conference the week of April 9."

The US Senate completed work on their version of the Farm Bill in mid February when S.1731 passed with a 58 to 42 margin. The actual bill was a modified version of the House-approved Farm Bill, H.R. 2646, which included several specific amendments and a "manager's amendment" consisting of a compilation of non-controversial amendments. House and Senate staff are now working on resolving the differences between the House and Senate passed versions of the 2002 Farm Bills for the Conference Committee. Resolving the variety of policy and funding issues related to the Commodity programs will be the most difficult. Funding remains the most serious issue relating the Conservation Title. Most conservation and environmental organizations are working hard to maintain the funding levels in the Senate approved bill. In addition to providing more funding for Conservation programs, the Senate version would:

Extend the Farmable Wetlands Pilot Program through 2006, but not extend it to all states as the House version would.

Requires new Conservation Reserve Program (CRP) land to have have been cropped three of the six years prior to the 2002 passage of this act.

Include a new pilot water conservation reserve program (WCRP) to protect fish and wildlife as part of the CRP with upto 500,000 acres to be enrolled in seven Western and Northeastern states.

Authorize the Wetland Reserve Program (WRP) at 250,000 acres annually, 100,000 more acres annually than the House Bill.

Both the House and Senate versions of the Farm Bill contain substantial increases (~70-80%) in conservation program funding. Such programs have grown dramatically since the 1985 Farm Bill, and conservation spending now ranks only third, behind corn and wheat, as a government subsidized "commodity."

Among the suite of proposed increases in conservation funding, the Environmental Quality Incentives Program (EQIP) is slated to receive the largest percentage gain in spending. EQIP provides cost-sharing for environmentally beneficial structural and management initiatives, 50% of which is targeted to livestock produces. According to Bruce Lehto. Assistant State Conservationist for the Natural Resource Conservation Service, EQIP is favored by many producers for its gualities as a "working lands" conservation program one that does not require taking farmland out of production to achieve conservation goals. The application process for the program can be difficult and time consuming, but the major constraint for EQIP has been limited program funding, with only 25% of EQIP applications approved. EQIP now stands to grow to \$1.2 billion to \$1.8 billion annually in the House and Senate bills, respectively, a 500-600% increase over current baseline funding.



National Applications for EQIP

EQIP is a popular conservation program, but only 25% of applications are accepted. The 2002 Farm Bill could boost EQIP funding by as much as 600% while improving the cumbersome application process.

Additional information regarding the efficacy and accessibility of EQIP and other USDA conservation programs is available in a new report released in February by the United States General Accounting Office. The GAO report is titled, "Agricultural Conservation - State Advisory Committees: Views on How USDA Programs Could Better Address Environmental Concerns." The 81 page report is based on a survey of over 1,500 state USDA Technical Advisory Committee members. The report is available on-line at: http://www.gao.gov/new.items/d02295.pdf

Source: G. Whitaker, fb-net.org



AgCenter Forms New Partnerships with USGS and NRCS

On March 28th, the LSU AgCenter and the U.S. Geological Survey dedicated an expansive new Geographic Information Systems (GIS) Laboratory located in Parker Coliseum on the LSU Campus. The AgCenter partnership moves the National Wetlands Research Center's Coastal Restoration Field Station (CRFS) to the LSU Campus, and provides greater USGS flexibility and opportunities in pursuing cooperative relationships with with LSU departments. The CRFS will continue to support state and federal partners, but the university location will allow for additional program development opportunities for GIS design, development, analysis, and ecological monitoring assessment to support wetland restoration efforts in coastal Louisiana.

On a related note, the AgCenter signed a similar MOU earlier this year with the Natural Resource Conservation Service (NRCS). Under this arrangement, the AgCenter and NRCS will be expanding cooperative efforts and developing a joint program of accelerated coastal restoration activities. As part of this MOU, Mr. Mike Materne, NRCS Plant Materials Specialist, will serve as a the program liaison and as an adjunct faculty member in the Department of Agronomy.

These new partnerships build on existing AgCenter capacity in the areas of GIS technology and native plant materials selection and development. Efforts are underway to extend these new partnerships into additional applications in agriculture and resource



USGS 2002 Training Workshop Schedule

The U.S. Geological Survey of the Department of the Interior is presenting a series of topical workshops through the National Wetland Research Center. The classes pertain to mapping, vegetation, photointerpretation, remote sensing and Geographical Information Systems.

The workshops are part of an effort to exchange information and provide access to spatial technologies developed at the center for natural resource survey. The workshops are available to the general public, educators, and state and federal agencies. Participation by the international community is also greatly encouraged. Most of the workshops are 3 days long, creating compact presentation of materials. No previous experience in any of the topical workshop is assumed, except for advanced workshops. Appropriate handouts, photos, maps, and other forms of distributed materials are provided to the workshop participants. Some workshops will have scheduled field exercises. Hands-on exercises are utilized to involve workshop participation. Specialized workshop topics and transient workshops can be arranged based upon consultation and number of workshop participants. Scheduled workshops are subject to change. For more information please call Pat O'Neil (pat_o'neil@usgs.gov).

April 23-25	Hydric Soils for Wetland Delineation
May 29-30	National & Local Geospatial Data Availability: Data Mining
June 19-20	Introduction to the Identification of Wetland Forest Trees
July 16-18	Introduction to National Wetlands Classification System
July 23-24	Metadata for Geospatial and Biological Data
August 20-22	Introduction to Desktop GIS (ArcView) for Natural Resources
Sept. 14	WETMAAP (Wetland Education Through Maps and Aerial Photography)
Sept. 17-19	Introduction to Desktop GIS (ArcView) for Natural Resources
October 8-10	Introduction to GPS for Natural Resources
Nov. 13-15	Introduction to Wetland Remote Sensing and Mapping
Nov. 18-20	Advanced Wetland Photo-Interpretation
Dec. 3-5	Introduction to Desktop GIS (ArcView) for Natural Resources



Advanced Wetland Photo-Interpretation is one of several special training workshops to be offered in 2002 by the USGS National Wetland Research Center in Lafayette.



Agricultural Realtors To Meet April 12th

The Louisiana Realtors Land Institute will hold its 16th Annual Conference at the Burden Research Plantation on April 12, 2002. The Conference is co-sponsored by the LSU Agricultural Center. Persons attending the LRLI Conference include realtors specializing in in timber and agricultural land sales. The general purpose of the Conference is to inform realtors of the research, programs, and policy affecting agricultural land use, and financial conditions and alternatives in the land market in Louisiana.

The meeting will include presentations on various subjects, including; land market research at LSU; commodity and conservation program highlights of the upcoming Farm Bill; Federal Land Bank services; wildlife management on private lands for recreational leasing, wetland mitigation banking, timber value assessment, and a review of Louisiana's real estate licensing law. Registration for the Conference is \$40 and can be paid on site, or checks payable to The Realtors Land Institute, can be sent to Mark R. Haik, ALC., c/o Town & Country Properties, 9151 Interline Ave, Suite 1A, Baton Rouge, La 70809, (225) 928-5000.



Since 1997, Governor Mike Foster's Office of Coastal Activities has sponsored a "May Day" event to celebrate National Wetlands Month and draw attention to the plight of our state's wetland resources. The Governor's May Day 2002 will be "A Call to Action" to promote a flurry of activities around the state to show that Louisianans care about our coastal wetlands and environmental stewardship.

This year's campaign is intended to address the question, "What can I do to help?" The Governor's May Day campaign is encouraging schools, community groups, businesses and individuals to plan a project t of environmental or coastal stewardship and register that project as a May Day project. This is a statewide campaign to include north Louisiana as well as south Louisiana. If you can help develop a project in your area or know of a church, civic organization, or school that would be interested, go to www.lamayday.net or call 1-866-MAYDAY1.

Source: Rebecca Triche, Coalition to Restore Coastal Louisiana

2001 Ag Summary Now Available online

The LSU Agricultural Center has published the Annual Summary of Agriculture and Natural Resources for over 20 years. The Summary contains a host of commodity and natural resource production data for each of Louisiana's 64 parishes. The 2001 Summary was recently completed and is available on the AgCenter website at: http://www.agctr.lsu.edu/Communications/ agsum/2001agsum.htm.



According to the Louisiana Summary of Agriculture and Natural Resources, our state has a very diverse and vital coastal agricultural sector. Louisiana's 20 coastal parishes produce more than 50 animal and plant commodities which contribute \$1.5 billion to the state's economy.

CTRCL to Host Stewardship Banquet

On April 19, 2002, the Coalition to Restore Coastal Louisiana (CTRCL) will host the Coastal Stewardship Awards Banquet, at 6pm at the Lafayette Hilton and Towers. The Banguet honors outstanding contributions to Louisiana's coastal wetlands through conservation stewardship. Featured speaker will be Congressman Chris John. For more information, call 1-888-522-6278.



Louisiana Wetland News Online

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Thank you,

Rep Cappy

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