



Louisiana State University
Agricultural Center
Louisiana Cooperative Extension Service



**LOUISIANA
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College Program

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Louisiana Wetlands News

MAY 1995

1995 WRP Sign-up Set

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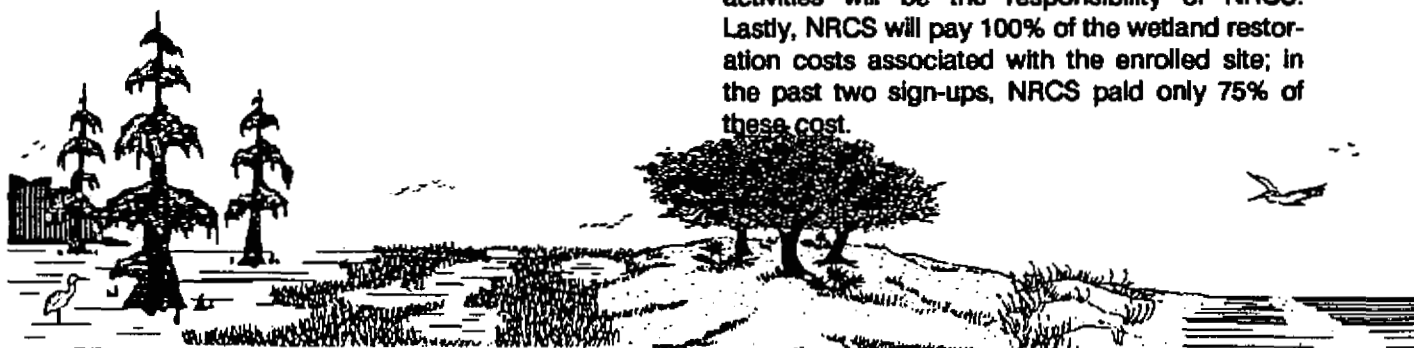
During the first two sign-ups, the Agricultural Stabilization and Conservation Service (ASCS) (now the Consolidated Farm Services Agency) administered the program with the assistance of the Soil Conservation Service (SCS) (now NRCS). With the restructuring of USDA, WRP responsibilities have now been transferred to NRCS.

Through WRP enrollment, landowners sell either perpetual or 30-year easements to the federal government in exchange for restoring and protecting wetlands on their property. Priority is usually given to landowners offering perpetual easements. Most land that qualifies for the program can be classified as converted or farmed wetlands that have proved to be only marginally productive at best. Land eligibility has also been expanded to include altered or disturbed non-agricultural wetlands that have been drained such as marsh or cypress swamp pump-offs.

Once enrolled in the WRP, the landowner is expected to return the land to a wetlands condition. Restoration usually involves the re-establishment of native vegetation (tree planting) and hydrologic (water flow) restoration. Upon filing of the easement in the parish courthouse and implementation of the restoration plan, the landowner receives a lump-sum payment from USDA equal to the land's agricultural value. This value is usually determined by an official agricultural land appraisal.

Interested landowners must provide a copy of the legal title of the land and have owned the property offered at least 12 months prior to June 30, 1995. Additionally, there is a 1,000-acre maximum limit for enrollment and an \$800 payment per acre maximum.

NOTE: There are several changes in the WRP provisions that will be in effect during the 1995 sign-up. Landowners maintain title of WRP lands and control public access, however, only recreational uses will be specifically allowed in the easement document. Long term economic uses (i.e., timber harvest and oil and gas exploration) will be allowed on a case by case basis upon written approval of NRCS. Additionally, landowners will only be required to control noxious plants and pest, maintain fencing (where required to keep out cattle), and pay required property taxes - all other restoration related maintenance activities will be the responsibility of NRCS. Lastly, NRCS will pay 100% of the wetland restoration costs associated with the enrolled site; in the past two sign-ups, NRCS paid only 75% of these cost.



THE LOUISIANA COOPERATIVE EXTENSION SERVICE PROVIDES EQUAL OPPORTUNITIES IN PROGRAMS AND EMPLOYMENT. LOUISIANA STATE UNIVERSITY AND A. & M. COLLEGE, LOUISIANA PARISH GOVERNING BODIES, SOUTHERN UNIVERSITY, AND UNITED STATES DEPARTMENT OF AGRICULTURE COOPERATING

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For more information on the WRP sign-up contact your local NRCS, Soil and Waste Conservation District, or Extension Service office.

WRP and 1995 Farm Bill

In the Administration's 1995 Farm Bill, the Wetlands Reserve Program (WRP) is described as one of the most innovative agricultural programs established this decade. It is further described as a good way to "...ensure that agriculture as a sector is able to achieve the goal of no-net-loss of wetlands..." Through the WRP, the USDA Secretary is authorized to restore not less than 975,000 acres to wetland status by the year 2000.

Several changes to the WRP are recommended in the bill:

- 1) Modify the WRP provisions to give the Secretary flexibility in timing compensation payments to achieve maximum program efficiency.
- 2) Give the Secretary the authority to work with other agencies to ensure the most efficient management of the Department's responsibilities for the easements acquired under the program.
- 3) Broaden the types of land eligible for the WRP to include critical environmentally sensitive acres associated with wetlands and riparian zones that the Secretary determines suitable for protection with long-term or permanent easements.
- 4) Encourage state and local interests, through the Natural Resources Conservation Service (NRCS) and state technical committees, to help establish wetland enrollment priorities and offer matching funds.

I will continue to keep you informed as more detailed information is made available on the WRP provisions of the 1995 Farm Bill.

Barataria-Terrebonne National Estuary Program Public Workshops Set

In June 1995, the Barataria-Terrebonne National Estuary Program (BTNEP) will sponsor four public workshops at which they will present the provisions of the draft BTNEP Comprehensive Management Plan and obtain citizen comments and suggestions. Parishes located within the Barataria-Terrebonne basins include Pointe Coupee, West Baton Rouge, Iberville, Ascension, Assumption, St. James, St. John, St. Charles, St. Mary, Terrebonne, Lafourche, and Jefferson parishes.

This comprehensive, watershed-based plan will primarily address environmental quality threats within the Barataria and Terrebonne basins. The plan components include public education and outreach, water quality initiatives, wetland restoration, marsh management, barrier island erosion, sustainable economic development, sustainable agriculture, and fish and wildlife resource management, just to name a few. Many of these issues directly involve a large number of traditional natural resource user groups (agricultural producers, commercial and recreational fishermen, landowners, etc.)

The Louisiana Cooperative Extension Service has agreed to assist with user group notification about the upcoming Comprehensive Management Plan Public Workshops. The dates and locations of the four workshops are listed below:

<u>Date</u>	<u>Community</u>	<u>Location</u>
6/5/95	Vacherie	Vacherie Lions Club Bldg. (off Highway 20)
6/6/95	Belle River/ Pierre Part	Pierre Part Elem. (School Cafeteria)
6/7/95	Galliano/ Larose	Larose Civic Center

<u>Date</u>	<u>Community</u>	<u>Location</u>
6/13/95	Westwego/ Marrero/ St. Charles Parish	Immaculate Conception School (School Cafeteria)

All workshops will begin at 7:00 p.m.

All farmers, landowners, natural resource user groups, and the general public are encouraged to attend one of these very important workshops. For more information contact the BTNEP office in Thibodaux, LA toll free at 1-800-259-0869 or call your parish Extension Service office.

Coastal Nonpoint Pollution Control Program Update

On February 22-23, 1995, the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) conducted an informal threshold review of Louisiana's Coastal Nonpoint Pollution Control Program (CNPCP) at the State Land and Natural Resources Building in Baton Rouge. At the review, representatives from NOAA and EPA reviewed the state's proposed nonpoint source pollution reduction approaches included in a draft CNPCP implementation plan. In July 1995, the Louisiana Department of Natural Resources - Coastal Management Division (DNR) must submit the completed draft program for formal federal review.

The draft CNPCP document includes:

- 1) A proposed CNPCP boundary for coastal Louisiana;
- 2) Enforcement mechanisms (proposed bad actor law);
- 3) Required management measures for the five targeted nonpoint pollution sources (agriculture, forestry, marinas, urban runoff, and hydromodification projects); and

- 4) Suggested Best Management Practices (BMPs) that may be implemented to address the identified management measures.

The draft CNPCP document has been completed and is available for public review at the main public libraries and at local government offices in coastal Louisiana. Additionally, four public meetings will be held in June 1995 to obtain additional public input on the proposed CNPCP implementation plan. Meeting dates and locations are listed below:

<u>Date</u>	<u>City</u>	<u>Location</u>
6/12/95	Lake Charles	Parish Government Building Police Jury Meeting Rm (1015 Pithon St.)
6/13/95	Lafayette	National Biological Serv. Southern Science Cntr. Conference Room (700 Cajundome Blvd.)
6/14/95	Thibodaux	Nicholls St. Univ. Union (Plantation Room)
6/15/95	Harahan	Joseph S. Yenni Bldg. Council Chamber - 2nd floor (1221 Elmwood Park Blvd.)

All meetings will begin at 6:00 p.m.

All interested citizens, especially user groups targeted by the CNPCP, are encouraged to review the state's draft implementation plan and attend one of the above scheduled public meetings.

For more information contact DNR toll free at 1-800-267-4019 or call my office in Baton Rouge.

State of Louisiana's Policy for Coastal Restoration Activities

The "White Paper" or State of Louisiana's Policy for Coastal Restoration Activities was officially released on May 2, 1995 by the Department of

Natural Resources. This report represents an appraisal of the present conditions and the ongoing challenges in the restoration and protection of Louisiana's coastal wetlands. The document was signed by Governor Edwin Edwards, DNR Secretary Jack McClanahan, Governor's Executive Assistant in the Office of Coastal Activities Len Bahr, and Assistant DNR Secretary Ivor van Heerden (Office of Coastal Restoration and Management).

Prominent in the strategy document are proposals to move forward with large-scale, offensive projects aimed at offsetting high erosion rates coastwide. If no action is taken, the document outlines the potential risks to the state including loss of recreational and commercial fisheries productivity, loss of valuable wildlife habitat, economic and job loss, cultural loss, and the displacement many coastal residents northward. The report predicts that at the present loss rate (approximately 35 square miles per year), coastal communities would have to begin relocating inland within 15 years.

The six key state policy initiatives included in the "White Paper" include:

- 1) Develop a unified state restoration plan;
- 2) Assume the lead for fiscal responsibility on all restoration projects;
- 3) Generate additional funding mechanisms that assure maximum utilization of existing federal matching funds;
- 4) Refine the state's administration of coastal restoration initiatives;
- 5) Revise the project screening, evaluation, and selection process now being used; and
- 6) Secure alternative funding for maintenance of federal navigation channel banks.

Copies of the "White Paper" are available from my office in Baton Rouge.

Louisiana Scenic Rivers Act

In 1970, the Louisiana State Legislature enacted the Louisiana Scenic Rivers Act in an effort to preserve and protect the ecological and aesthetic values of certain free-flowing streams (or rivers) and segments of streams located throughout the state. The program is administered by the Louisiana Department of Wildlife and Fisheries (LDWF).

Scenic stream protection is primarily accomplished through the permitting of certain activities along designated waterways. The 1970 Act prohibited four activities in designated streams: 1) channelization, 2) clearing and snagging, 3) channel realignment, and 4) reservoir construction. Any other activity which may have a significant adverse ecological impact may also be subject to review and permitting by LDWF Scenic Rivers Section.

In 1987, a Scenic Rivers Task Force was formed to review and revise the 1970 Act. The revised Act, enacted in 1988, added one additional prohibition - commercial clearcutting of timber within 100 feet of the designated stream's low water point. Additionally, the Act revised the permitting process and required that a management plan be developed for each Scenic Stream or Scenic River. Today, there are 52 waterways designated as Natural and Scenic Rivers in Louisiana.

The majority of the riparian (streamside) lands and some waterbottoms along and in designated Scenic Rivers are privately owned. Private landowners, therefore, are key to the success of the program. LDWF biologists indicate that there is a perception among landowners that a Scenic Rivers designation will prevent them from using their land as they see fit. According to the LDWF, the Scenic River System goal is not to prohibit landowners from doing what they want on their property but to cooperate with individuals so that landowners conduct activities in a way that is the least damaging to the environment.

As of May 1995, management plans have been developed for all 52 designated waterways. LDWF is now in the process of conducting statewide public meetings to obtain riparian

landowner input that will be used to revise each management plan.

If you would like more information on the Louisiana Scenic Rivers System, contact the Louisiana Department of Wildlife and Fisheries Scenic Rivers Section at (504) 765-2821.

Private Property Rights Bill Passes U.S. House of Representatives

On March 3, 1995, the U.S. House of Representatives passed a private property rights bill (H.R. 790) that, if approved by the Senate and signed by the President, would provide for monetary compensation to private landowners for losses caused by environmental restrictions. Key provisions of the bill are that it:

- Adopts a federal policy to encourage, support, and promote ownership of private property;
- Requires agencies to comply with state, local, and tribal property laws;
- Requires agencies to implement Endangered Species Act (ESA) and wetland rules in ways that have least impact on private property owners;
- Requires written consent of private property owners for entry by federal officials to gather information under ESA or wetland rules;
- Guarantees property owners access to information gathered on their property and a right to dispute that information;
- Guarantees property owners the right to an administrative appeal of decisions under ESA or wetland rules;
- Provides for compensation for property owners for loss of 20%

of market value or use of affected property and sets forth an administrative procedure for resolving the property owner's claim;

- Provides for the option of government acquisition if land devaluation reaches 50%; and
- Requires that private property owners be included under property management agreements between the federal government and the states that affect private property under the ESA.

Updates on this legislation will be provided in upcoming newsletters.

Clean Water Act Reauthorization Bill Passes U.S. House of Representatives

On May 16, 1995, H. B. 961 by Rep. Bud Shuster (Penn.) passed the U.S. House of Representatives and was forwarded to the Senate. If given final approval, the Clean Water Act (CWA) Reauthorization Bill would significantly change many of the provisions of the current Clean Water Act. As it is currently written, H.B. 961:

- Requires that a risk assessment and cost-benefit analysis be conducted before CWA regulations are implemented (similar to HR 1022);
- Requires that the federal government compensate landowners when regulations reduce property values by 20% or more;
- Removes EPA veto over wetland permitting;
- Gives the Army Corps of Engineers sole wetland permitting authority;

- Changes wetland definition;
- Requires more consecutive days of inundation or saturation for an area to be classified a wetland;
- Establishes a three-class wetland priority system with Class A wetlands receiving the most protection (and requiring private property owner compensation) and Class C wetlands not regulated;
- Restricts each parish or county to a maximum of 20% Class A wetlands;
- Encourages mitigation banking;
- Allows for transfer of CWA authority to states (including both wetland permitting and nonpoint pollution control programs); and
- Allows pollution trading between point source and nonpoint source pollution contributors that yields net environmental benefit in a given watershed.

I will continue to keep you abreast of CWA reauthorization actions in upcoming newsletters.

Environmental Actions/Issues

Over the past few months, both the Congress and the Louisiana State Legislature have addressed a variety of environmentally related legislation. A few of the most significant actions/issues are summarized below:

Federal Legislation

- 1) An amendment to H.R. 889 (Defense Supplemental Appropriations Bill) would cut Fish and Wildlife Service (FWS) funding for Fiscal Year 1995 endangered species listing and critical habitat designation.

- 2) An amendment to H.R. 1159 (House Rescission Package) would cut 41% of the funds remaining for the administration of the Endangered Species Act by the FWS in FY 1995.
- 3) Senate Bill 503 would impose a six month moratorium on endangered species listings and critical habitat designations.
- 4) An amendment to H.R. 1159 would cut \$16.6 million from the National Biological Service (NBS).
- 5) An amendment to H.R. 1158 (FEMA Supplemental Appropriations/Rescissions Bill) would prohibit the use of USDA funds to delineate new agricultural wetlands.

State Legislation

- HB 258 (Montgomery) - Creates a separate crime of trespass upon timberland or forest land and provides that the owner or lessee of such land is immune from liability to a trespasser.
- HB 538 (Sam Theriot) - Provides for the Office of Environmental Education within the Office of the Governor.
- HB 880 (Triche) - Provides that private property surrounded by a wildlife management area is subject to general provisions regulating hunting and fishing and not regulations affecting the management area.
- HB 874 (Triche) - Provides for use value taxation of marshland at its highest use value.
- HB 1230 (Roach) - Provides that use of federal funds in connection with coastal

restoration does not create any public right in the property.

- HB 1249 (Deano) - Requires 50% of mitigation to be in the parish in which wetland loss occurs.
- HB 1544 (Roach) - Provides that public and private benefits of coastal restoration projects be identified and declared and that the responsibilities and costs of the operation, maintenance, and monitoring of the project be shared by the private and public persons who accrue the benefits.
- HB 1832 (Ellington) - Provides for compensation to private property owners whenever a government rule or regulation reduces property values by 20% or more.
- HB 2199 (Thompson)/SB 253 (Foster) - Provides for compensation to private agricultural property owners whenever a government rule or regulation reduces property values by 20% or more.
- SCR 22 (McPherson) - Memorializes Congress to require the Corps of Engineers to mitigate for environmental damages occurring as a result of the Mississippi River and Tributaries Project.
- SB 333 (Nunez) - Constitutional amendment allowing the state to transfer ownership of mineral rights in and to state-owned waterbottoms subject to rights of reclamation under certain circumstances.
- SB 447 (Brinkhaus) - Provides that seismic operations may be conducted with the consent of at least 80% of the mineral co-owners.
- SB 459 (Landry) - Requires the Louisiana Tax Commission to prepare and publish tables providing for the uniform appraisal of the use value of marshlands.
- SB 793 (Greene) - Provides for minimization of the impact of government actions on private agricultural property and for cause of action for diminution in value of such property.
- SB 813 (Cox) - Provides that all waters and man-made waterways that have captured or replaced the flow of natural, navigable waterways that are subject to the ebb and flow of the tide are public things subject to public use, and that the right of the public to use public waters for navigation and fishing shall not be infringed.
- SB 915 (Nunez) - Moves the Wetland Conservation and Restoration Authority in the Governor's Office to the Office of Coastal Restoration and Management in the Department of Natural Resources.
- SB 916 (Nunez) - Provides for reclamations-in-law of lands lost through erosion, compaction, subsidence, or sea level rise under certain circumstances when the landowner agrees with the state to allow public use of the surface of such eroded lands.
- SB 1023 (Nunez) - Exempts the state from liability for any damages to rights of leaseholders, permittees, and licensees on state lands and waterbottoms by coastal restoration projects.
- SB 1026 (Lauricella) (also HB 2281) - Moves mariculture in the Louisiana coastal zone from experimental status to permanent status.

- SB 1103 (Nunez) - Creates the office of environmental affairs coordinator within the office of the Governor.
- SB 1157 (Cain) - Enacts the "Louisiana Right to Farm Law" requiring compensation to owners whenever a government rule or regulation causes a 10% or more reduction in fair market value of the land.

Proposed COE Wetland Regulatory Policy Changes

During the month of March 1995, the U.S. Army Corps of Engineers (COE) published three proposed wetland regulatory policy changes in the Federal Register. After receiving public comments, the Corps is expected to publish a final rule on the proposals. Brief descriptions of these three proposals are outlined below:

- 1) Consideration of a Nationwide Permit for single family housing - On March 23, 1995, the COE proposed the issuance of a new nationwide permit (NWP) for the development of single-family homes and attendant features provided the wetland discharge into waters of the U.S. does not cause the loss of more than 1/2 acre. An individual would be allowed to use this nationwide permit only once.
- 2) Federal guidance for the establishment, use and operation of mitigation banks - On March 6, 1995, the COE, EPA, Fish and Wildlife Service and the National Marine Fisheries Service jointly proposed guidance regarding the establishment, use and operation of mitigation banks for the purpose of providing compensatory mitigation for adverse impacts to wetlands and other aquatic resources. The purpose of the guidance is to clarify the manner in which mitigation banks may be used to satisfy mitigation requirements associated with the Clean Water Act (CWA) Section 404 permit program and the wetland conservation provisions of the Food Security Act (FSA)

(i.e., the "Swampbuster" provisions of the Farm Bill). Mitigation banking may streamline the permit evaluation process and provide more effective mitigation for authorized impacts to wetlands.

3) Wetland Delineator Certification Program

- On March 14, 1995, the COE announced the proposed establishment of a program for the training and certification of individuals as wetland delineators. The intent of the Wetland Delineator Certification Program (WDCP) is 1) to improve the quality and consistency of wetland delineations submitted to the Corps, and 2) to streamline the regulatory process by developing procedures for expediting review and consideration of delineations submitted by certified delineators. The Corps is proposing that WDCP applicants meet the following requirements: 1) provide documentation of completion of appropriate wetland delineation training; 2) provide documentation of two years experience delineating wetlands; 3) pass a written test given by the Corps; and 4) pass a field exam given by the Corps. Certification will be based on the current wetland delineation methodology in use by the Corps at the time of certification (e.g., the 1987 Corps of Engineers Wetland Delineation manual). Wetland delineations submitted by Corps certified wetland delineators will receive quicker decisions regarding the accuracy and acceptance of these wetland delineations. Certifications will be valid within the certifying Corps' district's boundaries for five years.

The LSU Wetland Biogeochemistry Institute will again be conducting a five-day wetland delineation training course in Baton Rouge during the week of September 25-29, 1995. For more information contact Ms. Karen Gros at (504) 388-8806.

To receive copies of the three above referenced Federal Register public notices contact my office in Baton Rouge.

National Biological Service/U.S. Geological Survey Training Workshops


The U.S. National Biological Service (NBS) and the U.S. Geological Survey are presenting a series of workshops pertaining to mapping, photo-interpretation, remote sensing and Geographical Information Systems (GIS). The workshops are part of an effort to exchange information and provide access to technologies developed at the Southern Science Center (SSC) (NBS research center in Lafayette). The workshops are available to the general public, educators, and state and federal agencies. No previous experience is required, and all necessary handouts, maps, and other written information will be provided. Dates, topics and locations of upcoming workshops are listed below:

<u>Date</u>	<u>Location</u>	<u>Topic</u>
June 15-16	SSC-Lafayette	Intro. to SAS for Natural Res.
July 18-20	USL-Wharton Hall Lafayette	Intro. to GPS (Global Pos. Systems) for Natural Res. Assessment & Survey
August 8-10	SSC-Lafayette	Intro. to GIS for Natural Res.
August 22-24	USL-Wharton Hall	Intro. to Wetland Image Processing & Classification
Sept. 19-21	SSC-Lafayette	Intro. to FGDC's Metadata Standards
Oct. 25-27	USL-Wharton Hall	Intro. to Wetland Remote Sensing & Mapping
Oct. 30 - Nov. 1	USL-Wharton Hall	Advanced Wetland Photo-Interpretation
Nov. 14-16	SSC-Lafayette	Advanced GIS for Natural Res.

For more detailed information about the above workshops contact NBS in Lafayette at (318) 266-8500.

For more information about any of the topics discussed in this newsletter or to obtain wetland or coastal resource-related educational information, contact your parish Louisiana Cooperative Extension Service office.

Sincerely,



Paul Corell, Area Agent
(Wetland and Coastal Resources)