



Louisiana State University
Agricultural Center
Louisiana Cooperative Extension Service



**LOUISIANA
SEA GRANT**
College Program

Knapp Hall
Post Office Box 25100
Baton Rouge LA 70894-5100
504 388-2263

Louisiana Wetlands News

Special LPB Wetlands Program Set

AUGUST 1995

On Tuesday, September 5, 1995, at 7:00 p.m., Louisiana Public Broadcasting (LPB) will broadcast a statewide hour-long forum focusing on Louisiana's wetlands and issues related to wetland permitting and regulation. The program will cover wetland functions and values, including the role wetlands have played in shaping our culture and history. State and federal wetland regulatory policy will also be discussed, together with private landowner-oriented wetland incentive programs such as the Wetland Reserve Program.

Representatives from the Louisiana Department of Natural Resources, the Department of Environmental Quality, the Governor's Office of Coastal Activities, the Louisiana Cooperative Extension Service, the U.S. Army Corps of

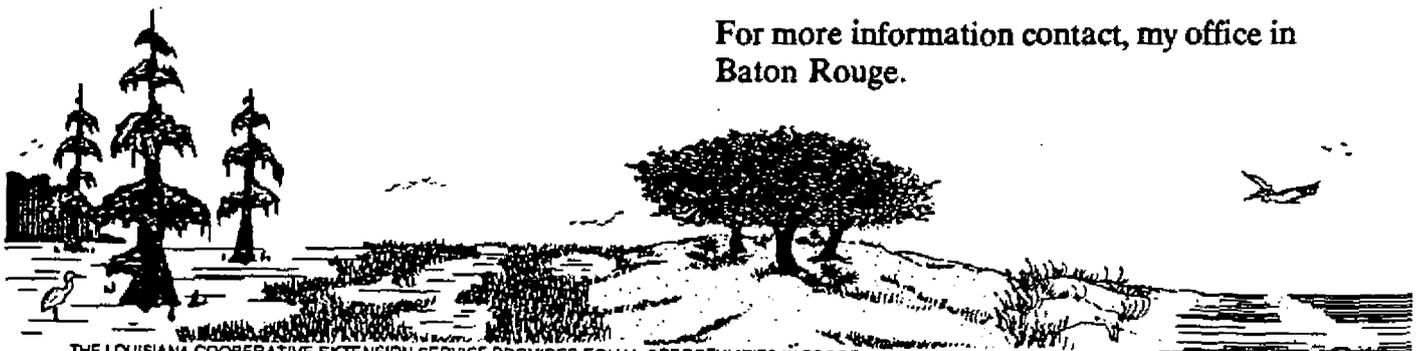
Engineers, the U.S. Fish and Wildlife Service, the Natural Resources Conservation Service, and the Environmental Protection Agency will be on the program.

To allow for public participation, a special toll-free number will be set up to accept questions from the viewing audience. At the end of the program, viewers will be provided with participating agencies' phone numbers to allow for submission of additional questions or comments.

LPB station and affiliate locations include:

KLPA (Alexandria) - Channel 25
WLPB (Baton Rouge) - Channel 27
KLPB (Lake Charles) - Channel 24
KLTM (Monroe) - Channel 13
KLTS (Shreveport) - Channel 24
WLAE (New Orleans) - Channel 32

For more information contact, my office in Baton Rouge.



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



A State Partner In the Cooperative Extension System

New Wetland Related State Laws

During the recently completed state legislative session, several house and senate bills important to wetlands were approved and have now been enacted into law. Brief summaries of the approved bills are below:

House Bills

HB 538 / Act 322 (Sam Theriot) - Provides for the Office of Environmental Education within the Office of the Governor.

HB 874 / Act 230 (Triche) - Provides for the development of a marshland use value table for three classes of marshlands including freshwater marsh, brackish marsh, and salt marsh that must be applied uniformly across the state for property tax assessment purposes.

HB 1230 / Act 160 (Roach) - Provides that use of federal funds in connection with coastal restoration projects does not create any public right in the property.

HB 1544 / Act 173 (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 2199 / Act 302 (Thompson) - Provides for compensation to private agricultural property owners whenever a government rule or regulation reduces property values by 20% or more.

SB 333 / Act 1332 (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 1103 / Act 537 (Nunez) - Creates the office of environmental affairs coordinator within the Office of the Governor.

Gulf of Mexico Hypoxia Workshop Set

On December 5-6, 1995, a Gulf of Mexico Hypoxia Workshop will be held at the Radisson Hotel in Kenner, La in an effort to investigate what is and is not known about this area of oxygen-depleted bottom waters adjacent to the deltas of the Mississippi and Atchafalaya rivers. Topics at the workshop include 1) a Gulf hypoxia overview, 2) causes of hypoxia, 3) potential impacts of hypoxic areas along the Gulf Coast, and 4) actions that may improve oxygen conditions offshore (reduce the size of the hypoxic area).

For more information about the Hypoxia Workshop, contact the Gulf of Mexico Program Office in Stennis Space Center, Mississippi at (601) 688 - 1519.

Army Corps of Engineers Wetland Program Reforms

The U.S. Army Corps of Engineers (COE) recently announced several changes to the Clean Water Act wetlands program designed to reduce regulatory burdens and minimize the time and expense of landowners seeking permits under the Section 404 regulatory program. These incentives are part of a comprehensive 40-point wetlands plan issued by the Clinton administration in August 1993, as well as a part of the administration's recent regulatory reinvention initiative announced

in February 1995.

Single Family Home Nationwide Permit -

On July 27, 1995, the COE published in the Federal Register a nationwide permit for the construction or expansion of single family homes in wetlands. The permit was announced by the President on July 12, 1995, and will become effective September 25, 1995. The permit will allow landowners to affect up to one-half acre of non-tidal wetlands for construction or expansion of a home and attendant structures such as a driveway or garage. Landowners will no longer have to go through the more lengthy individual permit process which typically takes more than 120 days. Under COE general permits, landowners receive a decision on their applications in an average of 16 days.

Administrative Appeals Process - On July 19, 1995, the COE also proposed the establishment of an administrative appeals process allowing landowners to challenge wetlands jurisdiction determinations and permit denials without going to federal court. This will save landowners the considerable time and expense of having to resort to judicial actions when faced with a decision they find unsatisfactory. The proposed appeals process was published in the July 19 Federal Register and the public comment period ends on September 5, 1995.

Permit Processing Time Limitation - In response to public concern about the time required to obtain permit decisions, the COE is preparing rule changes which will establish a 90-day processing time for decisions on standard permits. These draft changes pertaining to permit processing time limitations are nearing completion and should be ready for publication by the end of 1995.

Mitigation Bank Guidance - In March 1995, the COE and other federal agencies published draft guidance encouraging the use of wetlands mitigation banks when compensating for permit-related wetland functions and values impacts. Comments received in response to the draft guidance have been reviewed and evaluated and agencies are now preparing the final policy document for publication in the Federal Register in the next few weeks. The COE believes that mitigation banking will facilitate wise environmental management in the wetlands related programs of each of the agencies and give permit applicants more flexibility in meeting mitigation requirements.

Elimination of COE Wetland Permit Fees

- The COE is preparing a rule change that will eliminate the requirement to collect the current wetland permit fees of \$10 and \$100 for private and commercial activities, respectively. These fees cost the COE more to administer than the amounts of the fees collected. This rescission is scheduled for publication before the end of 1995.

COE Certified Wetlands Delineator Program

- In March 1995, the COE proposed a Certified Wetlands Delineator Program in an effort to rely more on private sector wetlands delineators. This program will allow the COE to place more reliance on private sector delineations, thus aiding in the reduction of the current wetland delineation backlog. The COE expects to finalize the program in the next few months.

For more information concerning the changes listed above, contact the COE district office covering your area or call my office in Baton Rouge.

Preliminary 1995 WRP Sign-up Results

During the 1995 nationwide WRP sign-up, held in June, more than 3,700 landowners offered to enroll more than 572,000 acres in the Wetlands Reserve Program (WRP). The WRP is a voluntary, incentive-based program that allows landowners to sell perpetual easements to USDA (equal to the agricultural value of the land) in exchange for the restoration of prior converted cropland or pastureland. Much of the land being offered is located in northeast Louisiana where large tracts of forested wetlands were converted for soybean farming in the 1960s and 1970s when soybean prices were high. In many cases, enrolled lands have proved unprofitable or marginal for farming in today's market situation. Once restored, however, these wetlands provide valuable wildlife habitat, improved flood protection, water quality improvements, and many recreational opportunities.

Nationally, USDA is expected to ultimately enroll 60,000 - 70,000 additional acres in 1995 with an estimated \$92 million nationwide WRP appropriation. The final selection of offered sites will be made by the Natural Resources Conservation Service (NRCS) through site reviews and habitat value ranking evaluations. By early September, landowners will be contacted by NRCS with offers for final enrollment in WRP.

In the past two sign-ups (1992 and 1994), Louisiana farmers enrolled approximately 42,000 acres in WRP. Approximately 10,000 - 15,000 additional acres are expected to be enrolled in Louisiana during the 1995 sign-up.

The ten states where landowners offered the most acres during the 1995 sign-up

included:

<u>Acres</u>	<u>State</u>
66,270	Louisiana
64,560	Texas
42,950	Arkansas
42,170	Oregon
40,690	Oklahoma
34,490	California
31,750	Missouri
30,510	Mississippi
28,550	Iowa
25,320	South Dakota

As indicated above, Louisiana led the nation in number of acres offered for WRP enrollment. Louisiana parishes voluntarily offering land for WRP enrollment during the 1995 sign-up included the following:

<u>Parish</u>	<u>Farmers</u>	<u>Acres</u>
Madison	58	12,022
Tensas	28	9,304
St. Landry	33	7,000
Avoyelles	40	4,301
Caldwell	12	4,093
Catahoula	15	3,662
Natchitoches	7	3,431
Concordia	21	3,398
Franklin	13	3,200
Morehouse	10	2,402
East Carroll	14	2,176
St. Charles	2	2,000
Richland	20	1,982

Ouachita	6	1,354
Red River	4	1,027
E. Feliciana	1	883
Calcasieu	2	829
Bossier	1	660
Rapides	2	595
Iberville	2	500
Pointe Coupee	4	385
West Carroll	3	345
Evangeline	3	306
Cameron	3	148
Winn	1	80
Lafayette	1	60
Beauregard	1	55
St. Martin	1	30
Livingston	1	20
Lincoln/Jackson	1	15
Vermilion	1	08
Total	301	66,271

For more information about the WRP, contact the Louisiana Cooperative Extension Service office in your parish.

Wetlands Rules Changes Move to Senate

On May 16, 1995, the U.S. House of Representatives passed H.R. 961 which rewrites much of the Clean Water Act. The bill is now in the U.S. Senate where work on similar legislation has been slow to begin. Additionally, the Clinton administration has indicated its opposition to many of the provisions of H.R. 961.

On May 25, 1995, Senators Johnston and Breaux also introduced similar Clean Water Act reauthorization legislation.

Key provisions of H.R. 961 include:

(1) Wetland Definition and Delineation - The existing Section 404 wetland

definition and delineation criteria would be modified; three parameters including hydric soils, obligate vegetation, and 21 days of saturation by surface water (visible at the soil surface) during the growing season would need to be present at the time of delineation for an area to be classified as a wetland.

(2) Agency roles - The U.S. Army Corps of Engineers would be given sole authority for issuing Section 404 permits. EPA would have no role. The U.S. Fish and Wildlife Service would help classify wetlands.

(3) Agricultural Wetland Decisions - All wetlands decisions on agricultural land would be solely in the jurisdiction of USDA.

(4) Agricultural Exemptions - The agricultural exemptions from wetlands-use restrictions would be expanded to include additional normal farming and ranching practices not currently included.

(5) Wetland Categorization - The bill would require a nationwide categorization of wetlands into three classes according to their functions and values (Class A, B, and C wetlands). All wetlands would need to be identified (applying the delineation criteria described above) and classified into one of the three wetland classes. Affected landowners would also have to be identified and notified.

(6) Compensation for landowners - The bill would require payments to landowners for wetland regulatory program-caused reductions in land values equal to or exceeding 20 percent.

(7) Areas With Large Concentrations of Conserved Wetlands - The bill would limit

the role of the Corps in requiring compensation or avoidance of impacts associated with permitted activities in states with substantial conserved wetlands (such as Alaska).

(8) State and Local Role in Wetland Regulation - The bill would allow states to assume the Section 404 program and would authorize the Corps to approve state and local wetland permitting and conservation plans.

(9) Administrative Appeals - The bill would provide for administrative appeals of wetland classifications and delineations.

(10) Mitigation Banks - Mitigation banks would be authorized and encouraged.

National Research Council Releases Report on Wetland Delineation

On May 9, 1995, the National Research Council (NRC) released its congressional authorized and funded wetlands delineation study. NRC is a private, nonprofit institution that provides science and technology advice under a congressional charter. The 268-page report was prepared by a committee of 17 scientists, attorneys, and environmental specialists. Dr. William Patrick, professor and director of the LSU Wetland Biogeochemistry Institute, was a member of the committee.

The committee recommended that the identification and delineation of wetlands should have a scientific basis, but said that "scientific principles do not necessarily dictate the appropriate regulatory choices." They concluded that the decision to protect wetlands and how much federal money should be expended in that

exercise should be "based in part on the value that society places on wetlands." The NRC report also listed numerous suggested improvements in the current wetland regulatory program.

Other recommendations in the report included 1) support for using only hydric soil or hydrophytic vegetation for making wetland delineations, 2) recognition that there are regional differences in wetlands throughout the U.S., 3) recognition that there is a need to better define "growing season" in warmer climates such as Louisiana, 4) acknowledgement that variability in wetland hydrology makes this parameter unpredictable when making wetland delineations, and 5) generally concluded that the current wetland delineation approach outlined in the Corps of Engineers 1987 Wetland Delineation Manual to be scientifically sound.

To obtain a copy of the report, contact the National Academy Press, 2101 Constitution Ave., N.W., Washington, DC 20418. The cost of the complete report is \$37.95.

Louisiana Wetland Plant Producers Association Incorporated

As a result of Louisiana's huge effort to restore eroding coastal wetlands, a new restoration-related industry has emerged in south Louisiana centered around wetland plant production. In an effort to slow the erosion rate of barrier shorelines, barrier islands, and numerous lake and canal banks, wetland vegetation is often planted to allow for quick recovery and provide for a wave energy buffer that ultimately leads to stable shorelines. In recent years demand for healthy natural

vegetative material has increased as more funds have been made available for coastal restoration.

To meet this demand, several coastal entrepreneurs have successfully developed marsh plant growing techniques that have allowed for the growing of native plants in pots that can be readily delivered to restoration sites throughout the Louisiana coastal zone. With continued public support for coastal restoration, the demand for plant materials needed for future coastal vegetative restoration projects should be sustained. To date, there are about 6 to 7 wetland plant producers in coastal Louisiana.

In an effort to encourage high standards and improve marsh plant material quality, several wetland plant producers recently formed the Louisiana Wetland Plant Producers Association (LWPPA) as a non-profit corporation. The primary purpose of the Association "shall be to safeguard and advance the economic interests and general welfare of the wetland plant producers in Louisiana; to develop professional standards, standards of quality and performance, and standards of ethical practice for Association members; to promote legislation providing for the proper conducting of the wetland plant producing industry and assist in the development of this industry in the state; and to enlighten the public with respect to the wetland plant producing industry in this state..."

Anyone interested in becoming a member or obtaining more information should contact Jeff Murphy, LWPPA President, 1200 Paris Street, Lake Charles, LA 70605, phone (318) 762 - 4242.

Trans-Texas Water Program

The Sabine River Authority of Texas (SRA) has recently released a proposal calling for expanded use of Toledo Bend Reservoir water for use in east and south Texas because of increased water use requirements and growing water shortages. The Toledo Bend Reservoir is owned and operated jointly with the Sabine River Authority of Louisiana and provides a water supply which is shared equally between the two agencies. The study proposal, called the Trans-Texas Water Program, is being conducted in five major phases including 1) project initiation/conceptual planning, 2) feasibility and environmental studies, 3) preliminary design and permitting, 4) final design and property acquisition, and 5) project construction, start-up and operation. The first two phases are presently funded for \$1.52 million. Additional funding arrangements for Phase 2 are now being completed. Phases 3, 4, and 5 are not funded at this time.

Citizens from southwest Louisiana and extreme southeast Texas have actively expressed their opposition to this project because of concerns associated with increased saltwater intrusion caused by reduced freshwater inflow into the marsh, which may result in increased marsh deterioration. Additionally, many are concerned that reduced freshwater inflow into the Sabine River estuary may reduce commercial and recreational fisheries productivity in the region.

I will continue to keep you informed of any Trans-Texas Water Program developments.

Second Annual Coastal & Wetlands Field Day Set

Again this year, the LSU Agricultural Center's Louisiana Cooperative Extension Service, the Louisiana Sea Grant College Program, and the Natural Resources Conservation Service (NRCS) will be co-sponsoring a Coastal & Wetland Field Day at USDA's Plant Materials Center (PMC) located in Galliano on Tuesday, October 17, 1995, beginning at 9:00 a.m. The Field Day will feature a field tour of PMC demonstrations and numerous educational presentations and updates addressing current coastal and wetlands issues. Presentation topics include 1) coastal restoration update, 2) agency responsibilities in wetland restoration, 3) plant materials research update, 4) private property rights and the "takings" issue, 5) wetland mapping and data availability, and 6) a Barataria-Terrebonne National Estuary Program (BTNEP) update.

There will be no cost to attend the Field Day, but because of limited accommodations, pre-registration will be required. To pre-register or to obtain more information, contact Alan Matherne, Program Chairman, at P.O. Box 927, Galliano, LA 70354, phone (504) 632 - 6852, FAX (504) 632 - 6703.

The Endangered Species Act in Louisiana: Challenges and Opportunities

On October 26-27, 1995, an educational symposium titled "The Endangered Species Act in Louisiana: Challenges and Opportunities" will be held at the Louisiana Department of Wildlife and Fisheries building located at 2000 Quail Drive in Baton Rouge. Co-sponsors of the

symposium include the Louisiana Wildlife Biologists Association, Louisiana Chapter - The Wildlife Society, the U.S. Fish and Wildlife Service, the LSU Agricultural Center's Louisiana Cooperative Extension Service, the Louisiana Sea Grant College Program, and the Louisiana Department of Wildlife and Fisheries.

Professional wildlife and fisheries biologists, landowners and land managers, and public and private organizations interested in endangered species are encouraged to attend.

The objective of this symposium is for wildlife and fisheries biologists, natural resource managers, and other affected entities to improve their knowledge and understanding of the Endangered Species Act (ESA). Additionally, the presentation and open discussions may also lead to more cooperative efforts aimed at resolving conflicts with the Act.

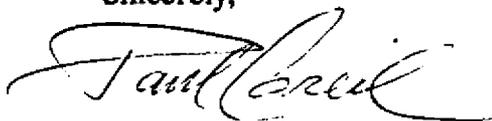
Presentation topics will include 1) Status of the ESA: Reauthorization and Administrative Policy, 2) ESA in Louisiana: Federal Perspective, 3) ESA in Louisiana: State Perspective, 4) Managing Species or Ecosystems: Is Protection or Recovery an Obtainable Goal? 5) Balancing Private Property Rights with Public Environmental Benefits, 6) Commonalities Which Have Led to the Recovery of the American Alligator, Brown Pelican and Bald Eagle in Louisiana, 7) Building Consensus: The Black Bear Conservation Committee, 8) Red-cockaded Woodpeckers on Private Forest Lands - Management Options, 9) What Made TED Regulations So Controversial and Hard to Deal With, 10) Pallid Sturgeons at Old River Structure, and 11) Super Consultation on the Gopher Tortoise.

A registration fee of \$20 per person is required which includes refreshments, dinner on the evening of the 26th and symposium proceedings. A reduced rate of \$15 is available to college students with a valid ID card.

For more information or to obtain a registration form, contact Michael Liffmann at the Louisiana Sea Grant College Program Office, LSU, Baton Rouge, Louisiana 70803-7507, phone (504) 388-6290 or 388-6305. Pre-registration is highly encouraged.

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,

A handwritten signature in cursive script, appearing to read "Paul Coreil".

Paul Coreil, Area Agent
(Wetland & Coastal Resources)