



Louisiana State University

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# Louisiana Wetlands News

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## Conservation Provisions of the 1996 Farm Bill

The conservation provisions of the new 1996 Farm Bill show a continued congressional commitment to improved water quality and wetland conservation. More specifically, the new Farm Bill reauthorizes popular programs such as the Conservation Reserve Program (CRP), the Wetlands Reserve Program (WRP), the Forestry Incentives Program (FIP), and the Resource Conservation and Development Program (R,C&D). Additionally, the Bill creates the Environmental Quality Incentives Program (EQIP) (combining the functions of the Agricultural Conservation Program and the Water Quality

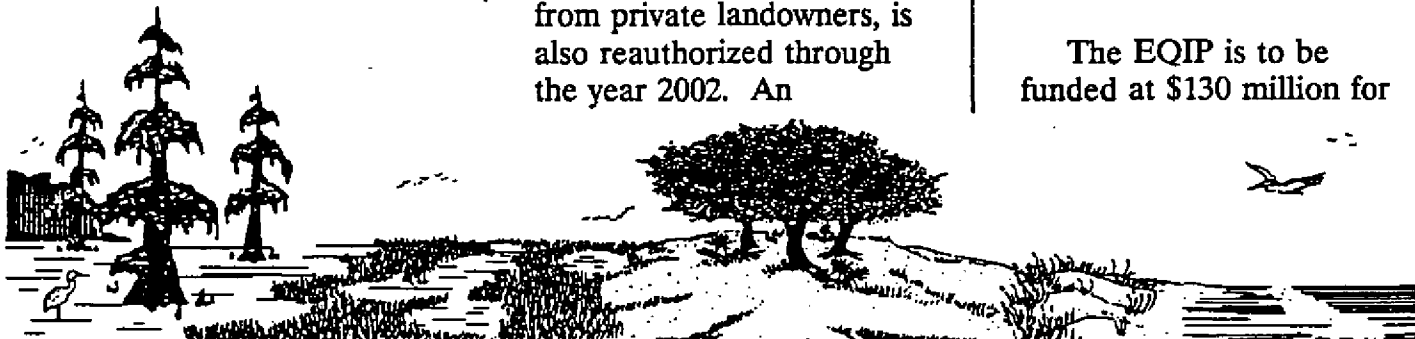
Incentives Program) and the Wildlife Habitat Incentives Program.

The CRP, which encourages the protection of highly erodible and environmentally sensitive lands, is extended through the year 2002. Under the new Bill, anyone who entered into a contract before 1995 will be allowed to terminate contracts on certain acres after giving written notice. Lands with high environmental values may not be eligible for early release.


The WRP, which encourages voluntary wetland restoration actions through the purchase of conservation easements from private landowners, is also reauthorized through the year 2002. An

enrollment cap of 975,000 acres is established, and additional changes in the program will help landowners work toward a goal of "no-net-loss" of wetlands. Effective October 1, 1996, the WRP will also target the enrollment of one-third of the total program acres in permanent easements, one-third in 30-year easements, and one-third in restoration only cost-share agreements (in the past, all easements purchased in Louisiana have been perpetual easements). Additionally, no new permanent (perpetual) easements may be enrolled until at least 75,000 acres of temporary easements have been entered into the program.

The EQIP is to be funded at \$130 million for



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fiscal year 1996, and \$200 million annually thereafter. Livestock-related conservation practices will receive 50% of all program funding. EQIP establishes five- to ten-year contracts that provide technical assistance and pay up to 75% of the costs of conservation practices. Total cost-share and incentive payments to any person, however, are limited to \$10,000 annually and to \$50,000 for the life of the contract.

The Wildlife Habitat Incentives Program provides \$50 million in CRP funds for wildlife habitat improvements on private lands.

Current Swampbuster and wetland conservation provisions included in

earlier versions of the Farm Bill were modified to provide farmers with more flexibility to meet wetland conservation compliance requirements. Wetland mitigation options were expanded to include wetland restoration, enhancement, or creation.

Additionally, the abandonment clause was revised to ensure that as long as land is used for agriculture, a certified Prior Converted cropland designation remains in effect. When done under an approved plan, landowners with Farmed Wetlands (FW) and Farmed Wetlands Pasture (FWP) may allow an area to revert to wetland status, and convert it back to an FW or FWP for agricultural purposes

without violating the Swampbuster provision.

A new Farm Bill also establishes a pilot program for wetland mitigation banking in order to allow USDA to assess how well mitigation banking works for agriculture.

Informational fact sheets that provide an overview of the above referenced conservation provisions of the 1996 Farm Bill (WRP, CRP, EQIP, Conservation Compliance, and Swampbuster) have been developed by the LSU Agricultural Center's Extension Service, and free copies are now available from your parish Cooperative Extension Service office.

## CWPPRA Funding Shifts to Large Projects

At the February 28, 1996, meeting of the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Task Force, unanimous agency support was expressed for a program emphasis shift from primarily small-scale coastal restoration projects to more large-scale projects. Until recently, most CWPPRA projects

were small-scale, defensive measures that proved to be highly successful. The shift in focus seems to be more toward "Big Picture" projects that will affect entire watersheds.

In an attempt to implement this shift in emphasis, the CWPPRA Task Force created two coastal restoration project

categories: (1) small-scale projects - defined as projects having fully-funded costs of less than \$10 million; (2) large-scale projected as projects having "systemic or process-level benefits" and fully funded costs greater than \$10 million. The Task Force dedicated no less than 2/3 of the Priority Project List funding for category 2 and

the remaining funds (approximately 1/3) for category 1.

The proposed Bayou Lafourche freshwater diversion project is classified as large-scale under this new classification system. Under this proposal, a siphon would be constructed at Donaldsonville, La, that would allow approximately 2,000 cubic-feed-per-second (CFS) to enter Bayou Lafourche from the

Mississippi River. The water entering the Bayou would then be allowed to eventually flow into deteriorating coastal marshes.

Additionally, increased freshwater supplies created by the project are expected to enhance the availability of drinking water in the region. Increased flow in Bayou Lafourche, however, may require modifications of some bridges and highway structures. Projects engineers will have

to work on ways to make sure increased water levels do not adversely affect homes and property located adjacent to the Bayou. The total cost of the project is estimated at \$24.5 million, with the federal government paying for 75% of the overall cost. At the February Task Force meeting, \$1 million in funding was approved for project evaluation, engineering, and design. Much more public input will be required before project implementation approval will be decided.

### Louisiana's 5th Coastal Restoration Priority List Approved

The CWPPRA Task Force recently approved the 5th coastal restoration Priority Project List based on Technical Committee recommendations. The following nine projects were recommended from a total of 29 candidate projects:

<u>Project Name</u>	<u>Fully Funded Cost (millions of \$)</u>
1) Naomi Outfall Management	1.744 (fully funded this year)
2) Little Vermilion Bay Sediment Trapping	.940 (fully funded this year)
3) Grand Bayou/GIWW Freshwater Diversion	5.136 (fully funded this year)
4) Bayou Lafourche Siphon	24.487 (\$1 million funded this year)
5) Myrtle Grove Siphon	15.526 (\$4.5 million funded this yr.)
6) Sweet Lake/Willow Lake Hydraulic Restoration	.736 (\$2.3 million funded this yr.)
7) Marsh Creation at Bayou Chevee	2.891 (fully funded this year)
8) Raccoon Island Breakwaters (demon. project)	1.5 (fully funded this year)
9) Freshwater Bayou Bank Stabilization *	3.999 (fully funded this year)

\* Approval of the Freshwater Bayou project is contingent upon the provision that the local share of the project cost will be provided by a non-state sponsor.

All projects require 25% non-federal cost-share funding which, in most cases (except in the case of the Freshwater Bayou project listed above), is provided by the state of Louisiana through the Wetlands Trust Fund.

## ■ Governor Foster Backs ■ Restoration Funding

At the recently held Coalition To Restore Coastal Louisiana-Coastal Stewardship Awards dinner, Governor Mike Foster outlined his commitment to fully fund the state's coastal restoration program this year in an effort to take advantage of available 75% matching federal funding. During the 1996 Legislative Session (now in progress) the Governor is proposing a \$7.8 million appropriation from the state's general fund so an available federal match of \$30 million can be obtained immediately for much-needed coastal restoration projects.

The need for extra funding has resulted from a sharp decline in oil and gas severance tax revenues that up to now have been dedicated to coastal restoration. A long-term solution to the decline in oil and gas-severance tax revenues dedicated to coastal restoration will ultimately require new legislation and a constitutional amendment that redistributes mineral revenue toward much-needed restoration initiatives.

## Delay on Accepting Oyster Leasing Applications Approved

Oyster harvesters must wait to apply for new oyster leases covering new acreage until January 4, 1998, following a moratorium passed by the Louisiana Wildlife and Fisheries Commission on May 2, 1996. The moratorium is designed to allow adequate time for the development of an oyster lease relocation program for oyster farmers with leases located within coastal restoration impact areas. Impact areas include freshwater/sediment diversion sites, areas

adjacent to barrier islands, and areas adjacent to major shipping channels. The Louisiana Department of Wildlife and Fisheries (LDWF) and the Louisiana Department of Natural Resources (DNR) collaborated on the moratorium.

Additionally, LDWF and DNR are developing an oyster lease valuation model that will be used to help estimate the value of oyster leases affected by coastal restoration projects. Affected oyster farmers will be provided several mitigation options including the potential relocation into unleased state bottoms covered by the above moratorium.

Currently, the state is actively seeking the funding that will be needed to implement a workable oyster farmer relocation program. Several federal funding sources have been identified and are actively being pursued.

## Louisiana Department of Natural Resources Initiates State Wetlands Management and Conservation Plan Development

With funding assistance from the U.S. Environmental Protection Agency (EPA), the Louisiana Department of Natural Resources (DNR) has initiated development of a comprehensive State Wetlands Management and Conservation Plan (SWMCP) for non-coastal wetlands. The "Plan" will include sections on existing regulatory programs affecting development of wetlands; restoration and enhancement activities being conducted by state and local governments and private organizations; and an evaluation of possible incentive-based programs that could be implemented to encourage voluntary preservation of wetland areas.

Creation of new or expansion of existing regulatory programs is specifically not being considered as a component of the Plan.

In 1992, DNR received a grant from EPA to study the feasibility of state assumption of the permitting authority found in Section 404 of the Clean Water Act. Section 404 permitting is currently administered by the U.S. Army Corps of Engineers. At that time, DNR felt that a state-managed program would reduce confusion and processing delays for permit applications and would be more responsive to specific Louisiana circumstances. Due to numerous unresolved obstacles, the idea of state assumption of the Section 404 program was eventually abandoned by DNR. Obstacles included 1) a provision in the Clean Water Act that precluded the state from assuming the permitting authority over tidal wetlands, navigable waters or wetlands adjacent to such areas; 2) lack of any federal financial support for a state-run program; 3) the fact that EPA would continue to exercise veto authority over permit decisions made by the state; and 4) most important, the lack of any public support for state assumption.

Prior to the conclusion of the Section 404 assumption study, however, EPA recommended that DNR apply, on behalf

of the state, for financial assistance to develop an SWMCP to support state Section 404 permitting. Such a request was made and a grant was issued to DNR in 1993. While work on the grant got off to a slow start, DNR is now actively working toward Plan completion.

Although no longer viewed as an initiative aimed at obtaining state Section 404 permit program assumption, DNR believes the Plan can still be a useful tool in the state's efforts to conserve, restore, and enhance wetland resources by providing a forum for innovative and creative concepts for wetland preservation, and by serving as a mechanism for involving all interested parties in wetland policy development.

Plan development tasks included in the EPA grant include 1) wetland mapping; 2) evaluation and/or cataloging of existing federal, state, local and private wetland restoration, creation, enhancement and preservation activities; 3) a legal analysis of suggested wetland-related incentive programs; and 4) development of a monitoring and evaluation program and funding strategy for the SWMCP.

For more information about Plan development, contact Rocky Hinds, DNR project manager, or Tim Robertson, assistant project manager, at 504-342-7591 or toll free at 1-800-267-4019.

### **Gulf of Mexico Hypoxia Workshop to be Held in Davenport, Iowa**

In an effort to expand nonpoint source pollution reduction initiatives farther up the Mississippi River watershed, the Gulf of Mexico Program is sponsoring a Hypoxia Workshop in Davenport, Iowa, on June 25-26, 1996. The workshop will address the hypoxic zone (water with a dissolved oxygen concentration of less

than 2 parts per million) in the Gulf of Mexico. The workshop is being sponsored by the Gulf of Mexico Program, the Louisiana Department of Environmental Quality, Mississippi Soil and Water Conservation Commission, and the U.S. Environmental Protection Agency.

The hypoxic waters extend over an area of up to 6,500 to 7,000 square miles on the inner continental shelf of Louisiana and Texas. In this area (which has enlarged from 3,500 square miles since 1993), there are low densities of fish and shellfish with other less mobile organisms dying or severely stressed. One identified contributor of the problem is an excess of nutrients in the Mississippi River system.

The purpose of the workshop is to allow technical evaluation of the information developed which identifies the sources of nutrients and their effects on the Gulf. Cooperation at all levels and within all source groups within the Mississippi watershed will be essential to address the feasibility of potential solutions.

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### **Artificial Wetlands Are Working to Reduce Nitrate Pollution**

Researchers at the University of Illinois at Urbana-Champaign have found that artificial or restored wetlands located

on the farm can be a very effective tool used to combat the problem of nitrogen moving from farmland to lakes and streams. Constructed wetlands used as buffer zones between cropland and adjacent river systems in central Illinois reduced the amount of nitrate reaching streams by approximately 67% and the amount of phosphorus by about 20-50%.

Much of the nitrate in pooled drainage water entering the wetland is either taken up by the wetland vegetation or is converted to atmospheric nitrogen by microbes. Nitrogen uptake even took place during the winter when the vegetation was dormant and microbial activity was reduced.

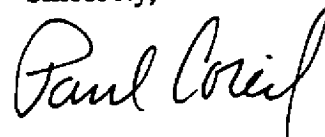
Preliminary results indicated that about one acre of wetlands is required to handle the nitrogen moving from 20-40 acres of farmland. The researchers indicated, however, that more analysis will be required to determine long-term success.

For more information, contact David Kovacic at the University of Illinois at 217-244-5133.

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

Sincerely,



Paul Coreil  
Associate Specialist (Wetlands)