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Louisiana Wetlands News

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ENVIRONMENTAL TECHNOLOGY & BUSINESS EXPO

An Environmental Technology & Business Expo will be held in Thibodaux on Friday, April 11 and Saturday, April 12 at the Nicholls State University campus. It is free and open to everyone. Sponsored by the Barataria-Terrebonne National Estuary Program (BTNEP), the Expo will feature innovative technologies that protect and conserve the region's environmental and economic well-being.

An exciting feature is the small business development workshop. A half-day workshop will offer instruction on successfully starting or expanding an environment-enhancing

business. Many environmental challenges offer the potential for new business development in coastal Louisiana. The Barataria-Terrebonne region's rich natural resources provide great conservation-related opportunities that will be important to future use and enjoyment.

Environmental and economic concerns to be addressed include resource conservation, waste treatment, agricultural practices, seafood and living resource use, coastal restoration and protection, oil and gas production, planning and education, and storm flood protection for your home or

business. New technologies to be highlighted include improved ways to explore for and produce oil and gas, new coastal restoration and protection techniques, enhanced sewage treatment systems, improved ways to harvest sugar cane, and nature-based tourism opportunities.

The Expo is free, but a small registration fee will be charged for the business development workshop.

For more information about the Expo, please call Paul Coreil at (504) 388-2266 or E-mail pcoreil@agctr.lsu.edu.



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

REAUTHORIZATION OF SECTION 404 NATIONWIDE PERMIT PROGRAM

Under Section 404 of the Clean Water Act (CWA), the U.S. Army Corps of Engineers (COE) issues general permits and individual permits. General permits are issued for activities conducted in wetlands that have minimal impacts. Examples may include minor road crossings, existing levee repair, utility line backfills, or bank stabilization projects. General permits may be issued on a nationwide basis or for specific COE districts or regions for five years. COE regulations currently authorize 37 nationwide general permits.

On January 21, the COE finalized the reissuance of 37 existing nationwide permits (NWP) with modifications, including new restrictions covering NWP 26. NWP 26 covers discharges into headwaters and isolated waters. NWP 26 is being reauthorized by the COE for only two years, after which it may be eliminated and broken out into six or more new activity-based NWP. During the two-year phase-out, the COE will scale back the application of NWP 26 to a maximum of three acres (from the current 10-acre maximum). Additionally, a preconstruction notification will be required for all activities affecting more than 1/3 of an acre, and the notification period will be expanded from 30 to 45 days.

The COE estimates that scaling back of the application of NWP 26 from 10 to 3 acres will require the COE to process an additional 500 new individual permits annually throughout the nation. Activities covered by an NWP 26 are not common in south Louisiana (about five per year according to the Corps), but the Vicksburg COE District (which covers north Louisiana) has issued more than 20 per year.

Landowners and contractors should always consult a COE District Office before conducting any activities in areas that may be classified as wetlands. The COE will determine if the area is a

regulated wetland and if the activity is covered by a nationwide general permit or an individual permit.

For more information regarding Section 404 CWA permitting requirements, contact the COE or call my office in Baton Rouge.

TULLOCH RULE STRUCK DOWN BY FEDERAL COURTS

On August 23, 1993, a Corps of Engineers (COE) and Environmental Protection Agency (EPA) administrative revision of Section 404 of the Clean Water Act (CWA) called the *Tulloch* Rule was issued that extended wetland regulations to include excavation activities in addition to "discharges of dredge and fill material." The interpretation of "discharge of dredge and fill material" was expanded to include incidental fallback of soil movement associated with "any activity, including mechanized land clearing, ditching, channelization, or other excavation" that "destroys or degrades" waters of the U. S. The COE and EPA ruled that it is virtually impossible to excavate or clear land without causing some "incidental fallback" or soil movement, considered "discharge." As a result of this interpretation, Section 404 permits were required for almost all mechanized land clearing, ditching, channelization, or other excavation work in wetlands.

On January 23, District of Columbia Federal Judge Stanley S. Harris issued a rule declaring the *Tulloch* Rule invalid and ordered the COE and EPA to cease application and enforcement of the rule. The court held that the rule is inconsistent with both the language and intent of Section 404 of the CWA, and found that Congress did not intend to cover "excavation" activities under restrictions covering "discharge of dredge or fill material." According to the court, incidental fallback of soil material associated with excavation or land clearing does not "add"

(discharge) material (dredge or fill material) to waters of the U.S.

The COE and EPA are expected to appeal this ruling, and legislative action covering this issue is expected during the 105th Congress.

For more information, contact my office in Baton Rouge.

ESSENTIAL FISH HABITAT (EFH) REQUIREMENTS IN MAGNUSON ACT

The National Marine Fisheries Service (NMFS) has developed a framework for implementation of several new provisions of the recently amended Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). This framework will include guidelines that will assist all Fishery Management Councils (Councils) in the description and identification of essential fish habitat (EFH), the adverse impacts on this habitat, and effective actions to conserve and enhance EFH. The Magnuson-Stevens Act mandates that EFH be identified and described for all fisheries managed by any Council or NMFS by October 1998.

The Magnuson-Stevens Act also requires federal agencies to consult with the Secretary of Commerce (Secretary) regarding any activity, or proposed activity, authorized, funded, or undertaken by the agency that may adversely affect EFH. Within 30 days of receiving a recommendation, federal agencies are required to provide the Secretary (and any Council that comments on an activity or proposed activity) with a written description of the measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. If this response is inconsistent with the recommendation of the Secretary, the agency must provide details justifying the inconsistency.

All Fisheries Management Plans (FMPs) must identify (1) activities with known or potential adverse effects on EFH ("threats"), (2) actions required to counter threats to the existing and historic EFH, and (3) actions to restore or enhance EFH.

Additionally, adverse impacts from fishing must be addressed including physical disturbance of substrate, loss of and injury of benthic (bottom) organisms, and loss of and injury to prey species and their habitat. Fishery management options to minimize adverse impacts may include fishing gear restrictions, closed areas or seasons, and/or harvest limits.

FMPs should also include options that minimize the effects of nonfishing activities. Conservation and enhancement recommendations may include (1) avoidance and minimization of adverse impacts on EFH, (2) restoration of riparian and shallow coastal areas, (3) upland habitat restoration, (4) water quality improvement measures (including possible enforcement of best management practices {BMPs}), (5) watershed analysis and watershed planning, and (6) habitat creation.

To obtain a copy of the proposed "Framework for the Description, Identification, Conservation and Enhancement of Essential Fish Habitat," contact my office in Baton Rouge.

\$200 MILLION ENVIRONMENTAL IMPROVEMENT PROGRAM FOR AGRICULTURE

On March 10 Agriculture Secretary Dan Glickman announced preliminary state funding allocations for USDA's new \$200 million Environmental Quality Incentives Program (EQIP) that will help farmers and ranchers address agriculture's priority resources and environmental problems. The new EQIP program will allow

producers to sign contracts when the final rules are published in the Federal Register in April.

EQIP funding is primarily directed toward state priority areas (watersheds or geographic regions with special environmental sensitivity). Each state's priority areas were locally determined by the NRCS state conservationist, in conjunction with state technical committees and USDA Farm Service Agency personnel.

Under EQIP, USDA can provide cost-share assistance to family-sized farms and ranches covering up to 75 percent of the costs of certain environmental protection practices, such as grassed waterways, filter strips, manure management facilities, capping abandoned wells, and wildlife habitat enhancement. USDA may also provide incentive payments to encourage producers to apply such land management practices as nutrient, manure, irrigation water, wildlife, and integrated pest management.

Approximately \$170 million is involved in this announcement; the remaining \$30 million will be allocated to the states when their final needs for technical, financial, and educational assistance are determined. Louisiana's initial EQIP funding allocation is \$4.85 million.

For more information about upcoming EQIP sign-ups, contact your parish Extension Service or Natural Resource Conservation Service (NRCS) office.

OWNER'S GUIDE TO WETLAND CARE

The Barataria-Terrebonne National Estuary Program (BTNEP) recently announced the availability of a new publication, "Owner's Guide to Wetland Care: A Manual for the Barataria-Terrebonne Estuarine Complex." Feedback from wetland landowners regarding informational needs was solicited and used to

prepare a guide designed to familiarize landowners with the various options and resources available to help conserve their wetlands and address coastal land loss.

The guide includes (1) landowner reported issues and problems related to wetland conservation needs, (2) information on federal, state, and local wetland conservation programs, (3) an overview of wetland types, (4) wetland building processes, (5) a description of current wetland conditions and problems, (6) a list of consultants with experience in the planning and design of wetland restoration projects, and (7) a list of contractors and suppliers of structural and plant materials for wetland projects.

Anyone interested in obtaining a copy should contact the BTNEP office in Thibodaux at 1-800-259-0869.

BARATARIA-TERREBONNE ESTUARY FESTIVAL PLANNED

The Barataria-Terrebonne National Estuary Program will host an Estuary Festival on Saturday, May 31 from 11 a.m. to 6 p.m. at Peltier Park in Thibodaux. The festival will feature craft and musical demonstrations, estuary cuisine, storytelling, and educational activities for the whole family. The event is designed to showcase the tremendous cultural, ecological, and economic values of the Barataria-Terrebonne Estuaries.

Exhibit space is available and entry into the Festival is free. For more information, contact Ms. Wendy Hessler at 212 Sako Drive, Raceland, LA 70394, e-mail: whessler@cajun.net, FAX: (504) 447-0870, or call (504) 537-0841. The BTNEP office phone is 1-800-259-0869.

LOUISIANA COASTAL WETLANDS WORKSHOP PLANNED

The Coalition to Restore Coastal Louisiana is sponsoring a first ever Coastal Wetlands Workshop in Cameron Parish on May 3. The primary purpose is to increase public awareness of coastal land loss and potential restoration solutions.

The workshop site will be Holly Beach, 35 miles south of I-10 at Sulphur. The program is designed for adults (17 years or older) and will include presentations covering how southwest Louisiana cheniers and marshes were formed and important wetland functions and values of coastal marshes. Additionally, extensive field trips are planned, including boat trips into the marsh and Gulf of Mexico beach excursions.

The workshop fee is \$30 and includes two meals, lectures, and three field trips (boat and van).

For more information or to register, call toll free 1-888-522-6278.

1997 USGS TRAINING WORKSHOPS

The U.S. Geological Survey of the Department of the Interior is presenting a series of workshops pertaining to mapping, vegetation, photo-interpretation, remote sensing, and technologies developed at the center for natural resources survey. The workshops are available to the general public, educators, and state and federal agencies. Workshop participation by the international community is encouraged.

Most of the workshops are three days long and feature compact presentation of materials. No previous experience in any of the topical workshops is assumed, except for advanced workshops. Appropriate handouts, photos, maps, and other materials are provided. Some

workshops will have field exercises. Hands-on exercises are also used to encourage 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, so interested parties should contact the workshop coordinator before attending.

Scheduled workshops and their locations are:

May 6-8 Introduction to National Wetlands Classification System (Wharton Hall, USL)

May 20-21 Introduction to the Identification of Coastal Prairie Plants (Wharton Hall, USL)

June 3-4 Introduction to Field Identification of Wetland Forest Trees (Wharton Hall, USL)

June 11-13 Introduction to GIS (Arc/Info) for Natural Resources (National Wetlands Research Center)

June 16 -18 Introduction to Desktop GIS (ArcView) for Natural Resources (National Wetlands Research Center)

August 12-13 . . Introduction to FGDC's Metadata Standards (National Wetlands Research Center)

August 20-22 . . GPS Training for Federal Civilian Agencies using the Rockwell PLGR and Receiver (National Wetlands Research Center)

October 22-24 . Introduction to Wetland Remote Sensing and Mapping (Wharton Hall, USL)

October 27-29 . Advanced Wetland photo interpretation (Wharton Hall, USL)

November 12-14 . . . Introduction to GIS (Arc/Info) for Natural Resources (National Wetlands Research Center)

November 17-19 . . . Introduction to Desktop GIS (ArcView) for Natural Resources (National Wetlands Research Center)

For more information, call the National Wetlands Research Center in Lafayette at (318) 266-8500.

**THIRTEENTH ANNUAL LOUISIANA
REMOTE SENSING AND GEOGRAPHIC
INFORMATION SYSTEMS WORKSHOP**

This 13th Annual Remote Sensing Workshop will be held April 15, 16, and 17 in the Mardi Gras Room of the USL Cajun Dome in Lafayette. The workshop is jointly sponsored by

the U.S. Geological Survey, the Louisiana Department of Natural Resources, the Louisiana Department of Environmental Quality, the National Marine Fisheries Service, the Louisiana GIS Council, the Mid-South Region of the American Society of Photogrammetry and Remote Sensing (ASPRS), the Gulf Coast Chapter of the ASPRS, the University of Southwestern Louisiana, the Department of Geography and Anthropology at LSU, and the Louisiana Chapter of URISA.

Tours of remote sensing and GIS facilities at the National Wetlands Research Center will begin on Monday afternoon (April 14). Meetings will be Tuesday, Wednesday, and Thursday. Additional tours will be offered again on Friday (April 18).

For more information, contact Bonnie Bridges at USL (318) 482-6391.

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
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(Wetlands and Coastal Resources)