

**U.S. Environmental Protection Agency
Biennial Review of the Louisiana Coastal Wetlands Conservation Plan:
Background and Recommendations**

Background:

Louisiana's coastal wetlands and barrier islands ecosystem is a nationally significant natural resource. In addition to its ecological productivity, these wetlands and barrier islands:

- ▶ Support the largest fishery in the continental United States;
- ▶ Provide critical habitat for a wide range of birds, including neo-tropical songbirds, migratory waterfowl and three federally-listed species; and
- ▶ Help lessen the impact of storm surges on the coastal communities.

However, even with the important restoration work conducted to date, Louisiana's coastal wetlands and barrier islands continue to face net losses. More than 1.2 million acres have been lost since the 1930s. Throughout the 1990s, Louisiana lost approximately 24 square miles of coastal wetlands each year. It is estimated that an additional 328,000 acres could be lost by 2050 if no further restoration measures are taken. As a result of these past and ongoing losses, the residents and infrastructure of coastal Louisiana are increasingly at risk from hurricanes and tropical storms, and the immense fish and wildlife values of this area are jeopardized. These losses are due to a combination of human and natural factors outside the purview of the Conservation Plan.

To reduce these losses, Congress passed the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) in 1990. Since then, CWPPRA has authorized 142 restoration projects in coastal Louisiana, including barrier island restoration, marsh creation, and Mississippi River reintroduction projects (also known as "diversions"). CWPPRA has also been instrumental in advancing coastal restoration science and planning in Louisiana. Moreover, by establishing an interagency task force for project selection and program governance, CWPPRA has greatly strengthened the interagency partnerships and collaboration needed to meet the complex challenge of restoring coastal Louisiana. CWPPRA also promoted the development of Louisiana's Conservation Plan, which helps ensure that development activities proceed in a way that is consistent with ongoing State and Federal coastal restoration activities in Louisiana.

No discussion of coastal Louisiana would be complete without mention of the recent State and Federal efforts to develop a more complete response to past and ongoing wetlands and barrier island loss. The State and the U.S. Army Corps of Engineers (Corps) entered into a partnership in 2002 to develop a plan for coastal Louisiana. EPA, along with a number of our Federal partners, joined the State and Corps in this effort. The result is the recently completed Louisiana Coastal Area Ecosystem Restoration Plan (LCA Plan) and programmatic environmental impact statement. The LCA Plan contains near-term restoration projects, a science and technology program, and other measures. The LCA Plan also calls for studies of large-scale restoration concepts. EPA fully supports the LCA Plan.

Conservation Plan Recommendations:

1. **Expedite Use of Remaining In-Lieu-Fee Mitigation Funds:** In our previous review of the Conservation Plan, we emphasized the need to expedite the expenditure of money in the State's Wetlands Conservation and Restoration Trust Fund to implement effective mitigation projects. Since that time, we are pleased to note that the State has applied a portion of these funds to mitigation projects for forested wetlands, and has plans to use remaining funds for projects to offset coastal marsh impacts. In order to minimize any further temporal losses in wetlands functions, we strongly encourage the Louisiana Department of Natural Resources (LDNR) to expedite this work, and we stand ready to assist in this effort.
2. **Review Existing Mitigation Projects:** Consistent with the Administration's National Mitigation Action Plan, LDNR is using money provided through EPA's Wetlands Program Development Grants to review the effectiveness of compensatory mitigation. As highlighted by the 2001 National Research Council report on compensatory mitigation, reviewing the status of existing mitigation projects is essential to the overall success of compensatory mitigation. To that end, we are pleased to have provided Louisiana with a grant of \$46,000 to review the functional effectiveness of compensatory mitigation projects in the Coastal Wetlands Conservation Plan (Conservation Plan) boundary. We encourage LDNR to make this effort a priority in the coming year. We look forward to reviewing the results of the review, and working with the State and our Federal partners to address any findings/recommendations that it might produce.
3. **Continue to Support Development of Marsh Mitigation Banks:** As noted in our cover letter, we appreciate LDNR's efforts to support the development of compensatory mitigation banks, particularly for use in offsetting impacts to coastal marsh. Notwithstanding the progress noted above with respect to expenditure of in-lieu-fee funds, we believe that

mitigation banks offer the best opportunity to advance our shared interest in fully compensating for unavoidable impacts to Louisiana's coastal wetlands. To that end, we encourage LDNR to continue its efforts to help support the development of marsh mitigation banks. Additionally, we recommend that such banks be based on techniques and approaches that are most likely to result in real, measurable increases in wetlands functions, i.e., marsh creation and terracing. We look forward to working with the State and our Federal partners as these efforts continue.

4. **Accurately Assess Actual Cost of Compensatory Mitigation:** LDNR is in the process of considering changes to its regulations for coastal use permits. We understand that such changes will include modification of the way in which compensatory mitigation costs are calculated for the purposes of in-lieu-fee mitigation. Setting in-lieu-fee rates to accurately reflect actual compensatory mitigation costs is critical for ensuring that the in-lieu-fee program effectively offsets wetland losses and does not undercut private sector mitigation banks. Accordingly, we recommend that the regulatory changes include a provision calling for periodic recalculation of in-lieu-fee costs to ensure that monies collected for the in-lieu-fee program reflect the actual, up-to-date costs of compensatory mitigation projects.

5. **Help Ensure Consistency Between Coastal Restoration and Development:** As indicated in both CWPPRA and the Louisiana Coastal Area Ecosystem Restoration Study, there is an ongoing need to ensure that various types of public and private development projects do not undermine or conflict with coastal restoration efforts. Obviously, effective implementation of applicable Federal and State regulatory programs is essential for ensuring that impacts to coastal wetlands are avoided and minimized to the maximum extent practicable. Beyond such project-specific efforts, there is also a need to consider the potential interactions between development and restoration projects at a landscape level, and seek ways to avoid conflicts between such activities. To that end, we encourage LDNR to continue to coordinate and collaborate with other State and Federal agencies responsible for development activities in the coastal zone to ensure that potential conflicts with coastal restoration efforts are avoided. Such efforts should focus on the direct, indirect, and cumulative effects of large-scale development activities (such as roads, levees, and navigation improvements), as well as the cumulative effects of numerous small-scale development projects.

6.

7. **Consider Ways to Promote Environmentally Appropriate Tourism:**

Recreation and tourism are among the important economic benefits of Louisiana's coastal wetlands. In addition to generating jobs, such activities bring greater visibility to Louisiana's coastal wetlands loss problem. Promoting recreation and tourism in coastal Louisiana can help build the public and private support for coastal restoration and protection. It is critical, however, that such activities are conducted in a way that does not harm the natural resources upon which they are based. Given that there appears to be increasing interest in eco-tourism in coastal Louisiana, we would encourage the State to consider how to promote such activities, while also helping to minimize any potential adverse effects to the coastal environment. Airboat tours are perhaps the most notable example of an activity that can both educate people about wetlands, while also having the potential to harm the environment. Certainly, there are airboat tour operators that conduct their activities in environmentally appropriate ways. However, it has been brought to our attention that some tours, perhaps just a small minority, operate in a way that harms coastal wetlands. Given the economic and educational value of this activity, we recommend the State consider ways of promoting environmentally appropriate airboat tours. For example, the State could consider working with airboat tour operators and interested stakeholders to develop voluntary airboat tour best management practices (BMPs) for minimizing potential environmental impacts. Such BMPs could be provided to all airboat operators, and could even be the basis for a voluntary certification program.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 23 2005

THE ADMINISTRATOR

The Honorable Nick J. Rahall II
Ranking Minority Member
Committee on Resources
U.S. House of Representatives
Washington, DC 20510

Dear Congressman Rahall:

I am pleased to present the Environmental Protection Agency's biennial Report to Congress on the status and effectiveness of the Coastal Wetlands Conservation Plan (Conservation Plan) for the State of Louisiana. This report, which is required by Section 304(h)(2) of the Coastal Wetlands Planning, Protection, and Restoration Act (P.L. 101-646), covers the years 2002 and 2003.

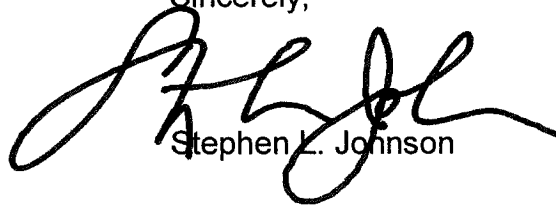
The U.S. Environmental Protection Agency report on the State's efforts to implement the Conservation Plan is based on meetings with officials from the Louisiana Department of Natural Resources (LDNR), analyses of data on permitting and other restoration activities, and our day-to-day coordination and collaboration with LDNR. We believe the State is meeting the Conservation Plan goal of no net loss of coastal wetlands resulting from permits issued for development activities since Plan approval. The State's achievement of this goal is an important part of the overall effort to address the ongoing loss of Louisiana's coastal wetlands due to a combination of past human activities and natural factors outside the purview of the Conservation Plan. While work remains at both the State and Federal level to ensure that compensatory mitigation effectively offsets unavoidable wetlands impacts, the State has carried out additional wetlands restoration measures that help offset the loss of wetlands due to development. It is clear that LDNR is committed to enhancing the effectiveness of its regulatory program. We commend LDNR for its coordination and collaboration with its Federal partners, as well as its work with landowners and others to help promote coastal wetlands mitigation banks.

In addition to the State's work on the Conservation Plan, there has been considerable coastal restoration activity in Louisiana during the past few years to address the significant, ongoing wetland losses caused by factors not covered by the Conservation Plan. I would like to use the opportunity of this biennial report to briefly describe these other activities, while also providing background information on the past and ongoing loss of Louisiana's valuable coastal resources. This information is included in a separate enclosure, along with our detailed recommendations on the Conservation Plan.

Achieving the goal of the Conservation Plan is a vital part of the broader State and Federal efforts to protect and restore Louisiana's coastal wetlands and barrier islands. To that end, the State and Federal governments must continue working as a team to ensure no net loss of wetlands as a result of development activities, while also designing and implementing the most cost-effective restoration strategies. We look forward to continuing to collaborate with the State on this important matter.

We believe that this Report to Congress responds fully to the requirement of Section 304(h)(2) of the Coastal Wetlands Planning, Protection, and Restoration Act. If you have any questions, please call me, or your staff may call Tom Dickerson in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3638.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Johnson', written over the printed name 'Stephen L. Johnson'.

Stephen L. Johnson

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2003

The Honorable Richard W. Pombo
Chairman
Committee on Resources
U.S. House of Representatives
Washington, DC 20515

THE ADMINISTRATOR

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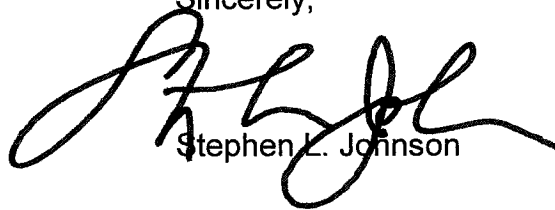
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2005

The Honorable James M. Jeffords
Ranking Minority Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

THE ADMINISTRATOR

Dear Senator Jeffords:

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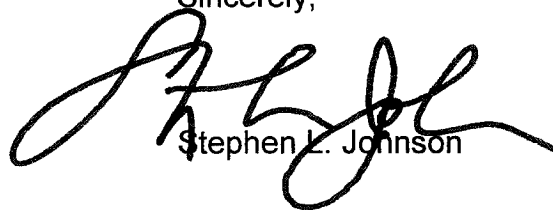
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Stephen L. Johnson

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2005

THE ADMINISTRATOR

The Honorable James M. Inhofe
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

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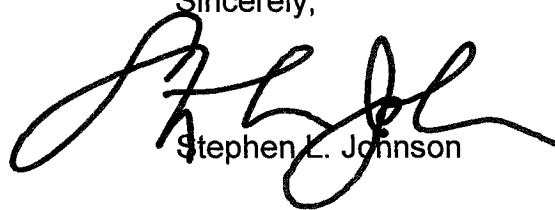
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2005

THE ADMINISTRATOR

The Honorable Charles W. Boustany, Jr.
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Boustany:

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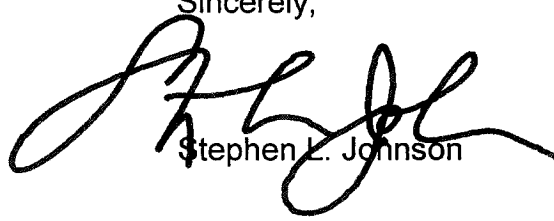
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Stephen L. Johnson

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2005

THE ADMINISTRATOR

The Honorable Richard H. Baker
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Baker:

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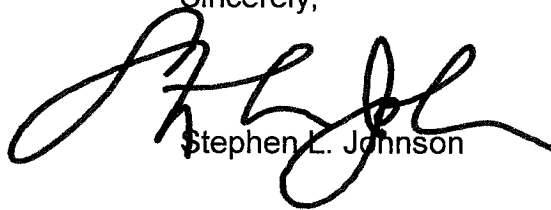
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MAY 23 2003

THE ADMINISTRATOR

The Honorable Charlie Melancon
U.S. House of Representatives
Washington, DC 20515

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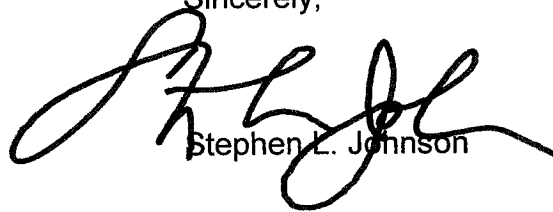
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MAY 23 2004

THE ADMINISTRATOR

The Honorable William J. Jefferson
U.S. House of Representatives
Washington, DC 20515

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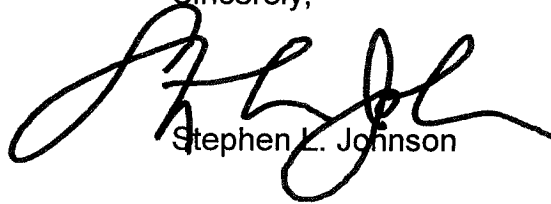
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U.S. House of Representatives
Washington, DC 20515

THE ADMINISTRATOR

Dear Congressman Jindal:

I am pleased to present the Environmental Protection Agency's biennial Report to Congress on the status and effectiveness of the Coastal Wetlands Conservation Plan (Conservation Plan) for the State of Louisiana. This report, which is required by Section 304(h)(2) of the Coastal Wetlands Planning, Protection, and Restoration Act (P.L. 101-646), covers the years 2002 and 2003.

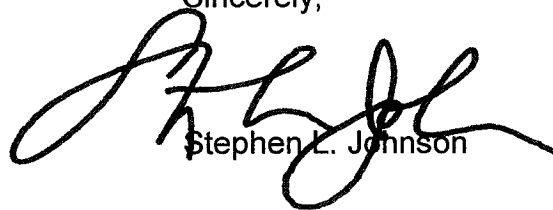
The U.S. Environmental Protection Agency report on the State's efforts to implement the Conservation Plan is based on meetings with officials from the Louisiana Department of Natural Resources (LDNR), analyses of data on permitting and other restoration activities, and our day-to-day coordination and collaboration with LDNR. We believe the State is meeting the Conservation Plan goal of no net loss of coastal wetlands resulting from permits issued for development activities since Plan approval. The State's achievement of this goal is an important part of the overall effort to address the ongoing loss of Louisiana's coastal wetlands due to a combination of past human activities and natural factors outside the purview of the Conservation Plan. While work remains at both the State and Federal level to ensure that compensatory mitigation effectively offsets unavoidable wetlands impacts, the State has carried out additional wetlands restoration measures that help offset the loss of wetlands due to development. It is clear that LDNR is committed to enhancing the effectiveness of its regulatory program. We commend LDNR for its coordination and collaboration with its Federal partners, as well as its work with landowners and others to help promote coastal wetlands mitigation banks.

In addition to the State's work on the Conservation Plan, there has been considerable coastal restoration activity in Louisiana during the past few years to address the significant, ongoing wetland losses caused by factors not covered by the Conservation Plan. I would like to use the opportunity of this biennial report to briefly describe these other activities, while also providing background information on the past and ongoing loss of Louisiana's valuable coastal resources. This information is included in a separate enclosure, along with our detailed recommendations on the Conservation Plan.

Achieving the goal of the Conservation Plan is a vital part of the broader State and Federal efforts to protect and restore Louisiana's coastal wetlands and barrier islands. To that end, the State and Federal governments must continue working as a team to ensure no net loss of wetlands as a result of development activities, while also designing and implementing the most cost-effective restoration strategies. We look forward to continuing to collaborate with the State on this important matter.

We believe that this Report to Congress responds fully to the requirement of Section 304(h)(2) of the Coastal Wetlands Planning, Protection, and Restoration Act. If you have any questions, please call me, or your staff may call Tom Dickerson in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3638.

Sincerely,



Stephen L. Johnson

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2003

THE ADMINISTRATOR

The Honorable Mary L. Landrieu
United States Senate
Washington, DC 20510

Dear Senator Landrieu:

I am pleased to present the Environmental Protection Agency's biennial Report to Congress on the status and effectiveness of the Coastal Wetlands Conservation Plan (Conservation Plan) for the State of Louisiana. This report, which is required by Section 304(h)(2) of the Coastal Wetlands Planning, Protection, and Restoration Act (P.L. 101-646), covers the years 2002 and 2003.

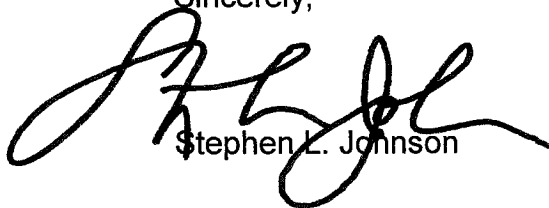
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Sincerely,

A handwritten signature in black ink, appearing to read "S. Johnson", written over the printed name "Stephen L. Johnson".

Stephen L. Johnson

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2006

THE ADMINISTRATOR

The Honorable David Vitter
United States Senate
Washington, DC 20510

Dear Senator Vitter:

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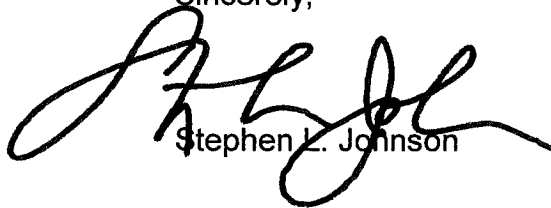
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Stephen L. Johnson

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 23 2004

THE ADMINISTRATOR

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

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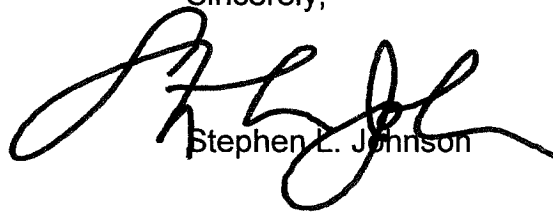
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MAY 23 2004

THE ADMINISTRATOR

The Honorable Richard B. Cheney
President of the Senate
Washington, D.C. 20510

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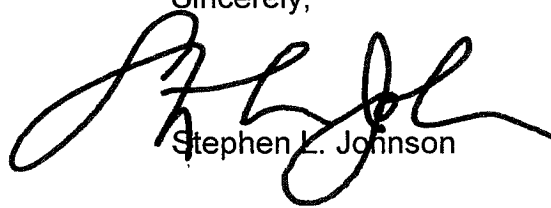
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