

COASTAL ZONE MANAGEMENT REGULATIONS

ST. TAMMANY PARISH, LOUISIANA

SECTION 1: GENERAL PROVISIONS

1.1 Title - This Ordinance shall hereafter be known, and cited as the "St. Tammany Parish Coastal Zone Management Ordinance", (hereinafter referred to as the "Ordinance".)

1.2 Purpose

The principal purpose of this regulation is to provide the authorities and procedures for implementing a unified coastal use permitting process. This regulation is based upon the policies, guidelines and procedures set forth in Act 361 of the Louisiana Legislature, in the Final Environmental Impact Statement of the Louisiana Coastal Resources Program, and the St. Tammany Parish Coastal Zone Management Plan.

This regulation provides procedures for local government determination of what activities require a coastal use permit, whether the activity is a use of state or local concern, and the process for issuance, denial, modification, suspension and/or revocation of coastal use permits and general coastal use permits for uses of local concern in St. Tammany Parish.

SECTION 2: DEFINITIONS

2.1 Usage

- (1) For the purposes of this Ordinance, certain words, terms, numbers, and abbreviations used herein shall be used, interpreted and defined, as set forth in this section.
- (2) Unless specifically defined in this section, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.
- (3) Words used in the present tense include the future tense; words used in the singular number include the plural, and the plural number includes the singular; the word "shall" is always mandatory; and the word "herein" means "in this Ordinance".

2.2 Words and Terms Defined

- (1) "Activity" shall mean and include any and all lawful acts, projects, uses, developments and construction; public or private; industrial, commercial, residential, or recreational; for profit or not for profit. The term includes both the act of doing and the completed product.
- (2) "After-the Fact Permit" shall mean a coastal use permit which is issued after the commencement of

a use. Such a permit may only be issued after all legal issues resulting from the commencement of a use without a coastal use permit have been resolved.

- (3) "Alternative access" shall mean methods of gaining access, ingress, and egress, other than by the dredging of canals into the wetlands for drilling, servicing, work over, or any other production of minerals activity.
- (4) "Alternative access vehicle" shall mean any hover craft, helicopter, air cushion vehicle, or any other vehicle which does not require dredging.
- (5) "Applicant" shall mean the owner of the property for which a CUP is requested or his agent; or someone specifically authorized in writing by owner to make application in connection with the proposed purchase, lease or development of owner's property.
- (6) "Approved Local Program" shall mean a local coastal management program which has been and continues to be approved by the Secretary pursuant to Section 214.28 of the Act.
- (7) "Alterations of Waters Draining in Coastal Waters" shall mean those uses or activities that would alter, change, or introduce polluting substances into runoff and thereby modify the quality of coastal waters. Examples include water control impoundments, upland and water management programs, and drainage projects from urban, agricultural and industrial developments.
- (8) "Best Practical Techniques" shall mean those methods or techniques which would result in the greatest possible minimization of the adverse impacts listed in Guideline 1.7 above, and in specific guidelines applicable to the proposed use. Those methods or techniques shall be the best methods or techniques which are in use in the industry or trade or among practitioners of the use, and which are feasible and practical for utilization.
- (9) "Coastal use permit" or "CUP" shall mean the permits required by R.S. 49:214.30 and shall not mean or refer to, and shall be in addition to, any other permit or approval required or established pursuant to any other constitutional provision or statute.
- (10) "Coastal Water Dependent Uses" shall mean those which must be carried out on, in or adjacent to coastal water areas or wetlands because the use requires access to the water body or wetland or requires the consumption, harvesting or other direct use of coastal resources, or requires the use of coastal water in the manufacturing or transportation of goods. Examples include surface and subsurface mineral extraction, fishing, ports and necessary supporting commercial and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fishery processing plants.
- (11) "Coastal water" shall mean bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years).
- (12) "Coastal Zone" shall mean the coastal waters and adjacent shorelands within the boundaries of the

coastal zone established in R.S. 49:214.24, which are strongly influenced by each other, and in proximity of the shorelines and uses of which have a direct and significant impact on coastal waters.

- (13) "Coastal Zone Management Plan" shall mean the goals, objectives and policies set forth in the document prepared by Rod E. Emmer, Ph.D in cooperation with the St. Tammany Parish Department of Development, Gibb Farrish, Director of Planning, entitled "St. Tammany Parish Local Coastal Zone Program, Volume 1, dated May, 1992.
- (14) "Contaminant" shall mean an element causing pollution of the environment that would have detrimental effects on air or water quality or on native floral or faunal species.
- (15) "Cumulative Impacts" shall mean impacts increasing in significance due to the collective effects of a number of activities.
- (16) "Department" shall mean the Department of Natural Resources.
- (17) "Development Levees" shall mean those levees and associated water control structures whose purpose is to allow control of water levels within the area enclosed by the levees to facilitate drainage or development within the leveed areas. Such levee systems also commonly serve for hurricane or flood protection, but are not so defined for purposes of these guidelines.
- (18) "Direct and Significant Impact" shall mean an impact which is a direct and significant modification or alteration in the physical or biological characteristics of coastal waters which results from an action or series of actions caused by man.
- (19) "Endangered Species" shall mean any species which is in danger of extinction throughout all or a significant portion of its range.
- (20) "Environmental Assessment Data Form" shall mean the form prepared and distributed by the St. Tammany Parish Department of Development for the purpose of obtaining environmental information and data.
- (21) "Environmental Management Unit" shall mean an area which is distinguished by certain common physical and cultural characteristics, such as geology, vegetation, drainage patterns, and uses. Each of these EMUs can be considered individually when setting goals, objectives and policies for planning, management, and regulatory functions.
- (22) "Exempted use" shall mean any use specifically listed in this Ordinance as a use not requiring a coastal use permit.
- (23) "Existing" as applied to any use, structure, or development includes the words "existing on the effective date of this Ordinance".
- (24) "Expectable Adverse Conditions" shall mean natural or man-made hazardous conditions which can be expected or predicted to occur at regular intervals. Included are such events as 125 mile per hour

hurricanes and associated tides, 100 year floods and reasonably probable accidents.

- (25) "Fastlands" are lands surrounded by publicly-owned, maintained, or otherwise valid existing levees, or natural formations, as of January 1, 1979 or as may be lawfully constructed in the future; which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.
- (26) "Feasible and Practical" shall mean those locations, methods and/or practices which are of established usefulness and efficiency and allow the use or activity to be carried out successfully.
- (27) "Governmental Body" shall mean any public department, agency, bureau, authority, or subdivision of the government of the United States or the State of Louisiana and shall include parishes and municipalities and subdivisions thereof and those governmental agencies constitutionally established.
- (28) "Guidelines" shall mean those rules and regulations adopted pursuant to R.S. 49:214.27, as set forth in Volume 17, Title 43, Part I, Chapters 7 and 8, Sections 701 through 731 inclusive of the Louisiana Administrative Code, as same may be amended from time to time.
- (29) "Habitat" shall mean the natural environment where a plant or animal population lives.
- (30) "Hurricane or Flood Protection Levees" shall mean those levees and associated water control structures whose primary purpose is to prevent occasional surges of flood or storm generated high water. Such levee systems do not include those built to permit drainage or development of enclosed wetland areas.
- (31) "Hydrologic and Sediment Transport Modifications" shall mean those uses and activities intended to change water circulation, direction of flow, velocity, level, or quality or quantity of transported sediment. Examples include locks, water gates, impoundments, jetties, groins, fixed and variable weirs, dams, diversion pipes, siphons, canals, and surface and groundwater withdrawals.
- (32) "Impoundment Levees" shall mean those levees and associated water control structures whose primary purpose is to contain water within the levee system either for the prevention of the release of pollutants, to create fresh water reservoirs, or for management of fish or wildlife resources.
- (33) "Infrastructure" shall mean those systems which provide needed support for human social institutions and developments, including transportation systems, public utilities, water and sewerage systems, communications, educational facilities, health services, law enforcement and emergency preparedness.
- (34) "In-lieu Permit" shall mean those permits issued in-lieu of coastal use permits pursuant to Section 214.31 of the SLCRMA.
- (35) "Interested Person" shall mean the applicant, adjoining property owners as listed on the application

submitted for the CUP, Police Jurors of the district and EMU where the property which is the subject of the permit application is located, and any person who identifies himself/herself in writing to the LCP Administrator as a party specifically affected by the proposed activity.

- (36) "Levees" shall mean any use or activity which creates an embankment to control or prevent water movement, to retain water or other material, or to raise a road or other lineal use above normal or flood water levels. Examples include levees, dikes and embankments of any sort.
- (37) "Linear Facilities" shall mean those uses and activities which result in creation of structures or works which are primarily linear in nature. Examples include pipelines, roads, canals, channels, and powerlines.
- (38) "Local Coastal Use Permit" or "LCUP" shall mean the coastal use permit issued by the Parish of St. Tammany for uses of local concern.
- (39) "Local Government" shall mean the St. Tammany Parish Police Jury, or its successor.
- (40) "Local Program": Same as "Approved Local Program."
- (41) "Local Coastal Program Administrator" or LCP Administrator shall mean the professional within the St. Tammany Parish Department of Development who is responsible for the administration of this Ordinance and the Local Coastal Zone Management Plan.
- (42) "Local Coastal Program Advisory Committee" or LCP Advisory Committee shall mean a committee of not more than nine individuals, each of whom shall be appointed by the Police Jury, upon recommendation of the Parish Manager, and who represent users of coastal resources and shall include representation of users concerned with conservation and preservation of renewable coastal resources and users concerned with development of resources for commercial purposes. The LCP Advisory Committee shall assist the LCP Administrator and shall coordinate actions and activities with the Department of Development Director and the LCP Administrator.
- (43) "Marsh" shall mean wetlands subject to frequent inundation in which the dominant vegetation consists of reed, sedges, grasses, cattails, and other low growth.
- (44) "Minerals" shall mean oil, gas sulfur, geothermal, geopressured, salt, or other naturally occurring energy or chemical resources which are produced from below the surface in the coastal zone. Not included are such surface resources as clam or oyster shells, dirt, sand, or gravel.
- (45) "Oil, Gas and Other Mineral Activities" shall mean those uses and activities which are directly involved in the exploration, production, and refining of oil, gas and other minerals. Examples include geophysical surveying, establishment of drill sites and access to them, drilling, on site storage of supplies, products and waste materials, production, refining, and spill cleanup.
- (46) "Particular Areas" shall mean areas within the coastal zone of a parish with an approved local program which have a unique and valuable characteristics requiring special management procedures.

Such areas shall be identified, designated, and managed by the local government following procedures consistent with those for special areas.

- (47) "Person" shall mean any individual, partnership, association, trust, corporation, public agency or authority, or state or local government body.
- (48) "Permit" shall mean a coastal use permit, or an in-lieu permit.
- (49) "Permitting body" shall mean either the Department of Natural Resources or the St. Tammany Parish Police Jury, or its successor.
- (50) "Plan" means the coastal vegetated wetlands conservation and restoration plan provided for in R.S. 49:213.6.
- (51) "Program" means the coastal vegetated wetlands conservation and restoration provided for in R.S. 49:214 (Subpart B).
- (52) "Public hearing", wherever required in this Ordinance, shall be a hearing announced to the public at least 30 days in advance, and at which all interested persons shall be afforded a reasonable opportunity to submit data, views, or arguments orally or in writing. At the time of the announcement of the public hearing all materials pertinent to the hearing, including documents, studies, and other data in the possession of the party calling the hearing, shall be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the party which conducted the hearing. Not included in this definition is a hearing on an appeal, which shall be covered by other provisions of this Ordinance.
- (53) "Radioactive Wastes" shall mean wastes containing source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
- (54) "Secretary" shall mean the secretary of the Department of Natural Resources or his designee.
- (55) "Sediment Deposition Systems" shall mean controlled diversions of sediment-laden water in order to initiate land building or sediment nourishment or to minimize undesirable deposition of sediment to navigation channels or habitat areas. Typical activities include diversion channels, jetties, groins or sediment pumps.
- (56) "Shoreline Modifications" shall mean those uses and activities planned or constructed with the intention or directly or indirectly changing or preventing change of a shoreline. Examples include bulkheading, piers, docks, wharves, slips and short canals, and jetties.
- (57) "Significant Public Opposition" shall mean opposition evidenced by a written petition signed by not less than 50 registered voters of St. Tammany Parish and submitted to the LCP Administrator within thirty (30) days after publication of the notice of application

- (58) "SLCRMA": The State and Local Coastal Resources Management Act of 1978, Act 361 of 1978 as amended, R.S.49:214.21 - 214.40.
- (59) "Spoil Deposition" shall mean the deposition of any excavated or dredged material.
- (60) "State Director" shall mean the Director of Coastal Management Division, Louisiana Department of Natural Resources.
- (61) "Subdivision" shall mean a portion or parcel of land that is to be sold, leased or rented, or offered for sale, lease or rent, in small portions or lots, for the purpose of future development for residential or commercial occupancy which portions or lots are, or are to be, identified either by numbers or letters or by metes and bounds; whether or not such portions or lots are in detail delineated on a plan of such subdivision.
- (62) "Surface Alterations" shall mean those uses and activities which change the surface or usability of a land area or water bottom. Examples include fill deposition, land reclamation, beach nourishment, dredging (primarily areal), clearing, draining, surface mining, construction and operation of transporations (sic), mineral, energy and industrial facilities, and industrial, commercial and urban developments.
- (63) "Toxic Substances": Those substances which, by their chemical, biological, or radioactive properties, have the potential to endanger human health or other living organisms or ecosystems, by means of acute or chronic adverse effects, including poisoning, mutagenic, tetraetrogenic, or carcinogenic effect.
- (64) "Uplands": Lands of five feet or more above sea level, fastlands, or all lands outside the coastal zone.
- (65) "Use" shall mean any use or activity within the coastal zone which has a direct and significant impact on coastal waters.
- (66) "Uses of Local Concern" shall mean those uses defined and listed in R.S. 49:214.25A.(2) which directly and significantly affect coastal waters and are in need of coastal management but are not Uses of State Concern and which should be regulated primarily at the local level in accordance with the Ordinance.
- (67) "Waste": Any material for which no use or reuse is intended and which is to be discarded.
- (68) "Waste Disposal" shall mean those uses and activities which involve the collections, storage and discarding or disposing of any solid or liquid material. Examples include littering; landfill; open dumping; incineration; industrial waste treatment facilities; sewerage treatment; storage in pits, ponds or lagoons; ocean dumping and subsurface disposal.
- (69) "Water or Marsh Management Plan" shall mean a systematic development and control plan to improve and increase biological productivity, or to minimize land loss, saltwater intrusion, erosion

or other such environmental problems, or to enhance recreation.

(70) "Wetlands" means an open water area or an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, but specifically excluding fastlands and lands more than five feet above mean sea level which occur within the designated coastal zone of the state. Wetlands generally include swamps, marshes, bogs, and similar areas.

2.3 St. Tammany Parish Coastal Zone - The St. Tammany Parish coastal zone is bounded on the north by Interstate 12 and Interstate 10, on the west by Tangipahoa Parish, on the east by the State of Mississippi; and on the south by Lake Pontchartrain.

2.4 Area Normally Subject to Permitting - In St. Tammany Parish, the entire coastal zone will be subject to coastal use permitting.

2.5 Types of Uses - Uses of the coastal zone subject to the coastal use permitting program shall be of two types:

(1) Uses of state concern - Those uses, more specifically defined and listed in R.S. 49:214.25A.(1), which directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than local significance or which significantly affect interests of regional, state, or national concern. Uses of state concern shall include, but not be limited to:

- a. any dredge or fill activity which intersects with more than one water body;
- b. projects involving use of state-owned lands or water bottoms;
- c. state publicly-funded projects;
- d. national interest projects;
- e. projects occurring in more than one parish;
- f. all mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith and all other associated uses;
- g. all pipelines for the gathering, transportation, or transmission of oil, gas, and other minerals;
- h. energy facility siting and development; and
- i. uses of local concern which may significantly affect interests of regional, state, or national concern.

(2) Uses of local concern - Those uses, more specifically defined and listed in R.S. 49:214.25A.(2), which directly and significantly affect coastal waters and are in need of coastal management, but are

not uses of state concern, and which should be regulated by local government. Uses of local concern shall include, but not be limited to:

- a. privately-funded projects which are not uses of state concern;
- b. publicly-funded projects which are not uses of state concern;
- c. maintenance of uses of local concern;
- d. jetties or breakwaters;
- e. dredge or fill projects not intersecting more than one water body;
- f. bulkheads;
- g. piers;
- h. camps and cattlewalks;
- i. maintenance dredging;
- j. private water control structures of less than \$15,000 in cost; and
- k. uses on cheniers, salt domes, or similar land forms.

2.6 Activities not requiring a coastal use permit

1. General

- a. The following activities normally do not have direct and significant impacts on coastal waters; hence, a coastal use permit is not required, except as set forth in the following causes:
 - i. Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.
 - ii. Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.
 - iii. Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements.
 - iv. Construction of a residence or camp.
 - v. Construction and modification of navigational aids such as channel markers and anchor buoys.

- vi. Activities which do not have a direct and significant impact on coastal waters.
 - b. Uses and activities within the special area established by R.S. 49:214.29(c) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan shall not require a coastal use permit.
2. Activities on Lands Five Feet or more Above Sea Level or Within Fastlands.
- a. Activities occurring wholly on lands five feet or more above sea level or within fastlands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use permit for such uses generally need not be applied for.
 - b. However, if a proposed activity exempted from permitting in Subparagraph a., above, will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the LCP Administrator or the Secretary and provide such information regarding the proposed activity as may be required by the LCP Administrator or the Secretary in deciding whether the activity is a use subject to a coastal permit.
 - c. Should it be found that a particular activity exempted by Subparagraph a., above, may have a direct and significant impact on coastal waters, the LCP Administrator or Department may conduct such investigation as may be appropriate to ascertain the facts and may require the persons conducting such activity to provide appropriate factual information regarding the activity so that a determination may be made as to whether the activity is a use subject to a permit.
 - d. The LCP Administrator or the Secretary shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters.
 - e. The exemption described in this section shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches and similar isolated, raised land forms in the coastal zone. It does refer to natural ridges and levees.
3. Emergency Uses
- a. Coastal use permits are not required in advance for conducting uses necessary to correct emergency situations
 - i. Emergency situations are those brought about by natural or man-made causes, such as storms, floods, fires, wrecks, explosions, spills, which would result in hazard to life, loss of property, or damage to the environment if immediate corrective action were not taken.
 - ii. This exemption applies only to those corrective actions which are immediately

required for the protection of lives, property or the environment necessitated by the emergency situation.

- b. Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the Secretary and the LCP Administrator, and give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit.
- c. As soon as possible after the emergency situation arises, any person who has conducted an emergency use shall report on the emergency use to the LCP Administrator or the Secretary. A determination shall be made as to whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user shall apply for an after-the-fact permit. The removal of any structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or in part.

4. Normal Maintenance and Repair

- a. Normal repairs and the rehabilitation, replacement, or maintenance of existing structures shall not require a coastal use permit provided that:
 - i. the structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement or maintenance; and,
 - ii. the repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work; and,
 - iii. the repair or maintenance does not involve dredge or fill activities; and
 - iv. the repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
- b. This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program.
- c. Coastal use permits will normally authorize periodic maintenance including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in an applicable coastal use permit, it shall conform to this section.

5. Construction of a Residence or Camp

- a. The construction of a residence or a camp shall not require a coastal use permit provided that:

- i. The terms shall refer solely to structures used for non-commercial and non-profit purposes and which are commonly referred to as "single family" and not multiple family dwellings.
 - ii. The terms shall refer solely to the construction of one such structure by or for the owner of the land for the owner's use and not to practices involving the building of more than one such structure as in subdividing, tract development, speculative building, or recreational community development.
- b. The exemption shall apply only to the construction of the structure and appurtenances such as septic fields, out buildings, walkways, gazebos, small wharves, landings, boathouses, private driveways, and similar works, but not to any bulkheading or any dredging or filling activity except for small amounts of fill necessary for the structure itself and for the installation and maintenance of septic or sewerage facilities.

6. Navigational Aids

- a. The construction and modification of navigational aids shall not require a coastal use permit.
- b. The term shall include channel markers, buoys, marker piles, dolphins, piling, pile clusters, etc; provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United States Coast Guard standards and requirements.

7. Agricultural, Forestry and Aquaculture Activities

- a. Agricultural, forestry and aquacultural activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that:
 - i. The activity is located on lands or in waters which have been used on an ongoing basis for such purposes, consistent with normal practices, prior to the effective date of the Act 361 of 1978, January 1, 1979.
 - ii. The activity does not require a permit from the U.S. Army Corps of Engineers and meets federal requirements for such exempted activities, and,
 - iii. The activity is not intended to, nor will it result in, changing the agricultural, forestry, or aquacultural use for which the land has been consistently used for in the past to another use.
- b. The exemption includes but is not limited to normal agricultural, forestry and aquacultural activities such as plowing; seeding; grazing; cultivating; insect control; fence building and repair; thinning; harvesting for the production of food, fiber and forest products; maintenance and drainage of existing farm, stock or fish ponds; digging of small drainage ditches; or

maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.

8. Blanket Exemption

- a. No use or activity shall require a coastal use permit if:
 - i. The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process, October 1, 1980;
 - ii. The secretary determines that it does not have a direct or significant impact on coastal waters; or
 - iii. The LCP Administrator or the secretary determines one is not required pursuant to Section 725.G of these rules. (L.A.C.43:I.725.G)

SECTION 3: ADMINISTRATION AND ENFORCEMENT

3.1 Designation and Powers of the Local Coastal Program Administrator and Local Coastal Program Advisory Committee

- (1) The St. Tammany Parish Police Jury shall appoint a Local Coastal Program Administrator (LCP Administrator) within the Department of Development and under the Director of the Department of Development.
- (2) The LCP Administrator shall have the following enumerated powers:
 - a. to issue, deny or modify permits for uses of local concern;
 - b. to conduct any investigations he/she deems necessary to comply with the purpose of this Ordinance; and
 - c. to inspect and/or investigate conditions relating to this Ordinance in cooperation with the parish administration.
- (3) It shall be the duty of the LCP Administrator to implement this Ordinance. It shall also be the duty of all officers and employees of the parish to assist the LCP Administrator in the implementation of this Ordinance.
- (4) The Police Jury may appoint a Local Coastal Program Advisory Committee (LCP Advisory Committee) of no more than nine members who represent users of coastal resources and shall include representation of users concerned with conservation and preservation of renewable coastal resources and users concerned with development of resources for commercial purposes.
- (5) The LCP Advisory Committee shall assist the LCP Administrator and shall coordinate actions and

activities with the Department of Development Director and the LCP Administrator.

3.2 Coastal Use Permit Requirements - Any person seeking to commence any use not specifically exempted by Section 2, Subsection 2.6 of this Ordinance, within the St. Tammany Parish Coastal Zone must first obtain a Local Coastal Use Permit (LCUP).

3.3 Permit Application Procedure - Application Fees, Reports on Decisions

- (1) All applications shall be made on the form(s) prescribed by the Secretary on hand at the office of the LCP Administrator.
- (2) All applications shall be submitted to the LCP Administrator through the Department of Development or directly to the Louisiana Department of Natural Resources, Coastal Management Division in Baton Rouge. No application will be reviewed until all required supportive information as specified in this Ordinance is attached.
- (3) All applications of local concern shall be accompanied by:
 - a. an application fee of \$50.00 or, if the application is for an after the fact permit, an application fee of \$550.00;
 - b. all information currently required by the Coastal Management Division of the Department of Natural Resources, including, but not limited to, the following:
 - i. Maps showing the actual location, size, and dimensions of the real property to be used;
 - ii. plans showing the exact location, size, and height of the buildings or structures to be developed;
 - iii. a list of all applications, approvals, and/or denials already made concerning the development to/by federal, state, or local agencies;
 - iv. a description of the extent to which any water course or natural drainage will be altered or relocated as a result of the proposed activity; and
 - v. if the development involves dredging, a description of:
 - A. the type, composition and quantity of material to be dredged;
 - B. the method of dredging; and
 - C. the site of the plans for the disposal of the dredged material.
- (4) The Parish shall submit to the State Director and make available to the public an annual written report within 30 days of the close of the calendar year. This report shall contain a list of the number,

type (local or state concern), habitat (marsh type, etc.), frequency (number of applications per month), and the decision on all permit applications.

3.4 Permit Procedure - Administrative Action

- (1) When an application for a permit is received, the LCP Administrator shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it.
- (2). All applications shall be submitted to the LCP Administrator through the Department of Development or directly to the State Coastal Management Division in Baton Rouge. No application will be reviewed unless all required supportive information as outlined in this Ordinance is attached.
- (3) Upon receipt of an application by the LCP Administrator, a determination will be made as to whether the application is for a use of local concern or a use of state concern. This determination shall be based on the criteria set forth in the State and Local Coastal Control Resource Management Act (SLCRMA), the state regulations and herein. The initial determination is made by the LCP Administrator and a brief written explanation of the rationale behind it shall be forwarded to the State Director in Baton Rouge within two (2) working days of receipt of the application. The State Director shall review the determination and rationale and shall let the decision of the LCP Administrator stand or reverse it. If the State Director reverses the determination, special notice shall be given to the LCP Administrator. Either Coastal Management Division, Department of Natural Resources or LCP Administrator, as determined by the State Director shall thereafter be responsible for the permit review process for the proposed use. The State Director's determination is binding unless, and until, reversed by the Secretary of the Department of Natural Resources.

The following factors, as reflected in SLCRMA and the regulations, shall be used in making a determination as to whether a use is of local or state concern.

- a. The specific terms of the uses as classified in SLCRMA;
- b. The relationship of a proposed use to a particular use classified in SLCRMA;
- c. If a use is not predominantly classified as either state or local by the SLCRMA or the use overlaps two classifications, it shall be a use of local concern unless it:
 - i. is being carried out with state or federal funds;
 - ii. involves the use or has significant impacts on state or federal lands, water bottoms or works;
 - iii. is mineral or energy production or transportation related;
 - iv. involves the use of, or has significant impacts on barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's

jurisdiction;

- v. will result in major changes in the quantity or quality of water flow and circulation or salinity or sediment transport regimes;
 - vi. has significant interparish or interstate impacts.
- (4) If the proposed activity is determined to be of local concern, the appropriate processing procedure provided by state law and regulation and this Ordinance will be initiated.
- (5) Public notice of all applications for coastal use permits shall be given by:
- a. mailing a brief description of the application, along with a statement indicating where a copy of the application may be inspected, to any person who has filed a request to be notified of such permit application and to all affected governmental bodies;
 - b. by posting or causing to be posted a copy of the application at the location of the proposed site;
 - c. by sending notice of the application to the media in St. Tammany Parish; and
 - d. by causing the publication of notice of the application in the official journal of the parish.
- (6) Public notice of all applications for coastal use permits of local concern will be issued within ten (10) days of filing of the completed application.
- (7) The public notice shall state the nature of the proposed project and the location where such work is proposed. Said public notice shall indicate that all interested parties may make comments and/or suggestions to the LCP Administrator on said application within thirty (30) days of publication.
- (8) A copy of the application will be sent to any person requesting it upon payment of a reasonable fee to cover costs of copying, handling, and mailing.
- (9) The LCP Administrator shall consider comments received in response to the public notice in his/her subsequent actions on the permit application. Comments received will be made a part of the official file on the application. If comments received relate to matters within the special expertise of another governmental body, the LCP Administrator may seek advice of that agency. If necessary, the applicant will be given the opportunity to furnish his proposed resolution or rebuttal to all objections from government agencies and other substantive adverse comments before a final decision is made on the application.
- (10) The decision to approve, approve with modification, or otherwise conditionally approve, or deny the LCUP shall be made within thirty (30) days after a public notice or within fifteen (15) days after a public hearing, whichever is the later. Permit and consistency decisions will be based upon the enforceable policies of St. Tammany Parish Local Coastal Program and Louisiana State Coastal

Resources Program.

- (11) The decision to approve, approve with modification, or otherwise conditionally approve, or deny the LCUP shall be in writing and copies of the decision shall be sent to the applicant and all other interested parties.
- (12) If the final decision is to issue a permit, the LCP Administrator shall forward two copies of the draft permit to the applicant for his signature. By signing the permit the applicant signifies his/her acceptance of the conditions of the permit, as well as the findings on the application. The applicant will return both signed copies to the parish for signature and dating by the LCP Administrator.
- (13) If the final decision is to deny said permit, the LCP Administrator shall send the applicant a statement setting forth the reason(s) for denial.
- (14) The LCP Administrator will issue a monthly list of permits issued or denied during the previous month. This list will be distributed to all persons who requested the public notices.

3.5 Public Hearings on Permit Applications

- (1) A public hearing may be held in connection with the consideration of an application for a new permit and when it is proposed that an existing permit be modified or revoked.
- (2) Any person may request in writing within the comment period specified in the public notice that a public hearing be held to consider material matters at issue in a permit application. Upon receipt of any such request, the LCP Administrator shall determine whether the issues raised are substantial and there is a valid public interest to be served by holding a public hearing.
- (3) Public hearing(s) may be appropriate when there is a legislative request; a request from local governments or other local authorities; or in controversial cases involving significant economic, social, or environmental issues. Except as provided in paragraph 4 hereof, the LCP Administrator has the discretion to require hearings in any particular case. Failure to hold a hearing on an application may not be appealed.
- (4) A public hearing shall be held when 25 registered voters from within the EMU make written requests within the comment period, or if there is significant public opposition to a proposed use. A public hearing shall also be held if the Parish Police Jury directs the LCP Administrator to do so on a proposed use not normally requiring a hearing or when expressly required by this Ordinance.
- (5) If a determination is made, or if it is mandatory to hold a public hearing, the LCP Administrator shall promptly notify the applicant, set a time and place for the hearing, and give public notice.
- (6) Public notice shall be given at least thirty (30) days in advance of any public hearing except that in cases of public necessity a shorter time may be allowed.
- (7) Notice of the public hearing shall be sent to all persons requesting notices of public hearings and

published in the official journal of the parish.

- (8) The public hearing shall be conducted by the LCP Administrator before the LCP Advisory Committee in accordance with rules of procedure adopted by the LCP Administrator for the presentation of information and comment. The hearing shall remain open for a period of ten (10) days after the close of the public hearing for submission of written comments or other material. This time period may be extended by the LCP Administrator or Police Jury if additional important information or data are being prepared and will be submitted.
- (9) The LCP Administrator shall make a decision to grant, deny or grant with modifications the LCUP within fifteen (15) days after the public hearing.
- (10) Notification of the decision to grant, deny, or grant with modification the LCUP shall conform to Section 3, sub-section 3.4 of this Ordinance.

3.6 Criteria for Coastal Use Permit Approval

I. General Consideration

- A. A Local Coastal Use Permit shall be approved by the LCP Administrator only after a full and fair consideration of all information contained in the record. The decision will be consistent with the SLCRMA, the regulations, the Guidelines and the Coastal Zone Management Plan; and will represent a balancing of social, environmental and economic factors. The LCP Administrator shall prepare a concise and clear statement describing the rationale for the decision and include one copy in the parish records, send one copy to the State Director, and one copy to the applicant. This document shall be dated and signed by the LCP Administrator.
- B. Activities proposed on or near water bodies shall, to the maximum extent practicable, be water dependent.
- C. The St. Tammany Parish Local Coastal Program shall require mitigation for all wetland losses caused by permitted activities, consistent with the requirements of the Louisiana Coastal Resources Program (LCRP) and attendant regulations and guidelines; and the determination of mitigation requirements for permitted activities as well as the appropriateness of mitigation proposals to offset losses, will be based on losses and gains of wetland habitat values, measured by the same method utilized by the Louisiana Department of Natural Resources.

Definitions:

- a. “Compensatory Mitigation” means replacement, substitution, enhancement, or protection of ecological values to offset anticipated losses of those values caused by permitted activity.
- b. “Ecological Value” means the ability of an area to support vegetation and fish and

wildlife populations.

- c. “Mitigation” means all actions taken by a permittee to avoid, minimize, restore, and compensate for ecological values lost due to a permitted activity.

II. Guidelines from the SLCRMA

A. Guidelines applicable to all uses

1. The guidelines must be read in their entirety. Any proposed use may be subject to the requirements of more than one guideline or section of guidelines and all applicable guidelines must be complied with. [Guideline 1.1]
2. Conformance with applicable water and air quality laws, standards and regulations, and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements. [Guideline 1.2]
3. The guidelines include both general provisions applicable to all uses and specific provisions applicable to only certain types of uses. The general guidelines apply in all situations. The specific guidelines apply only to the situations they address. Specific and general guidelines should be interpreted to be consistent with each other. In the event there is an inconsistency, the specific should prevail. [Guideline 1.3]
4. These guidelines are not intended to nor shall they be interpreted so as to result in an involuntary acquisition or taking of property. [Guideline 1.4]
5. No use or activity shall be carried out or conducted in such a manner as to constitute a violation of the terms of a grant or donation of any lands or waterbottoms to the State or any subdivision thereof. Revocations of such grants and donations shall be avoided. [Guideline 1.5]
6. Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines. [Guideline 1.6]
 - a. Type, nature and location of use.
 - b. Elevation, soil and water conditions and flood and storm hazard characteristics of the site.
 - c. Techniques and materials used in construction, operation and maintenance of the use.

- d. Existing drainage patterns and water regimes of surrounding area including flow, circulation, quality quantity and salinity; and impacts on them.
 - e. Availability of feasible alternative sites or methods of implementing the use.
 - f. Designation of the area for certain uses as part of a local program.
 - g. Economic need for the use and extent of impacts of use on economy of locality.
 - h. Extent of resulting public and private benefits.
 - i. Extent of coastal water dependency of the use.
 - j. Existence of necessary infrastructure to support the use and public costs resulting from use.
 - k. Extent of impacts on existing and traditional uses of the area and on future uses for which the area is suited.
 - l. Proximity to and extent of impacts on important natural features such as beaches, barrier islands, tidal passes, wildlife and aquatic habitats, and forest lands.
 - m. The extent to which regional, state and national interests are served including the national interest in resources and the siting of the facilities in coastal zones as identified in the coastal resources program.
 - n. Proximity to, and extent of impacts on, special areas, particular areas, or other areas of particular concern of the state program or local programs.
 - o. Likelihood of, and extent of impacts of, resulting secondary impacts and cumulative impacts.
 - p. Proximity to and extent of impacts on public lands or works, or historic, recreational or cultural resources.
 - q. Extent of impacts on navigation, fishing, public access, and recreational opportunities.
 - r. Extent of compatibility with natural and cultural setting.
 - s. Extent of long term benefits or adverse impacts.
7. Is the policy of coastal resources program to avoid the following adverse impacts.

To this end, all uses and activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable significant: [Guideline 1.7]

- a. Reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow.
- b. Adverse economic impacts on the locality of the use and affected governmental bodies.
- c. Detrimental discharges of inorganic nutrient compounds into coastal waters.
- d. Alterations in the natural concentration of oxygen in coastal waters.
- e. Destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and waterbottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features.
- f. Adverse disruption of existing social patterns.
- g. Alterations of the natural temperature regime of coastal waters.
- h. Detrimental changes in existing salinity regimes.
- i. Detrimental changes in littoral and sediment transport processes.
- j. Adverse effects of cumulative impacts.
- k. Detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging.
- l. Reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or a wetland forest.
- m. Discharges of pathogens or toxic substances into coastal waters.
- n. Adverse alteration or destruction of archeological, historical or other cultural resources.
- o. Fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas.
- p. Adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or

forestlands.

- q. Adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use or concern.
- r. Adverse disruptions of coastal wildlife and fishery migratory patterns.
- s. Land loss, erosion and subsidence.
- t. Increases in the potential for flood, hurricane and other storm damage, or increases in the likelihood that damage will occur from such hazards.
- u. Reduction in the long term biological productivity of the coastal ecosystem.

8. In those guidelines in which the modifier "maximum extent practicable" is used, the proposed use is in compliance with the guideline if the standard modified by the term is complied with. If the modified standard is not complied with, the use will be in compliance with the guideline if the permitting authority finds, after a systematic consideration of all pertinent information regarding the use, the site and the impacts of the use as set forth in Guideline 1.6 above, and a balancing of their relative significance, that the benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from non-compliance with the modified standard and there are no feasible and practical alternative locations, methods and practices for the use that are in compliance with the modified standard and:

- a. significant public benefits will result from the use, or;
- b. the use would serve important regional, state or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program, or;
- c. the use is coastal water dependent.

The systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline. Those conditions shall assure that the use is carried out utilizing those locations, methods and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially and legally feasible and practical; and minimize or offset those adverse impacts listed in guideline 1.7 above and in the subsection [guideline] at issue. [Guideline 1.8]

9. Uses shall to the maximum extent practicable be designed and carried out to permit multiple concurrent uses which are appropriate for the location and to avoid unnecessary conflicts with other uses of the vicinity. [Guideline 1.9]

10. These guidelines are not intended to be, nor shall they be, interpreted to allow expansion of governmental authority beyond that established by La. R.S. 49:213.1 through 213.21, as amended [now 49:214.21 through 214.40]; nor shall these guidelines be interpreted so as to require permits for specific uses legally commenced or established prior to the effective date of the coastal use permit program [October 1, 1980] nor to normal maintenance or repair of such uses. [Guideline 1.10]

B. Guidelines for Levees

1. The leveeing of unmodified or biologically productive wetlands shall be avoided to the maximum extent practicable. [Guideline 2.1]
2. Levees shall be planned and sited to avoid segmentation of wetlands to the maximum extent practicable. [Guideline 2.2]
3. Levees constructed for the purpose of developing or otherwise changing the use of a wetland area shall be avoided to the maximum extent practicable. [Guideline 2.3]
4. Hurricane and flood protection levees shall be located at the non-wetland/wetland interface or landward to the maximum extent practicable. [Guideline 2.4]
5. Impoundment levees shall only be constructed in wetland areas as part of approved water or marsh management projects or to prevent the release of pollutants. [Guideline 2.5]
6. Hurricane or flood protection levee systems shall be designed, built and thereafter operated and maintained utilizing best practical techniques to minimize disruptions of existing hydrologic patterns, and the interchange of water, beneficial nutrients and aquatic organisms between enclosed wetlands and those outside the levee system. [Guideline 2.6]

C. Guidelines for Linear Facilities

1. Linear use alignments shall be planned to avoid adverse impacts on areas of high biological productivity or irreplaceable resource areas. [Guideline 3.1]
2. Linear facilities involving the use of dredging or filling shall be avoided in wetland and estuarine areas to the maximum extent practicable. [Guideline 3.2]
3. Linear facilities involving dredging shall be of the minimum practical size and length. [Guideline 3.3]
4. To the maximum extent practicable, pipelines shall be installed through the "push ditch" method and the ditch backfilled. [Guideline 3.4]

5. Existing corridors, rights-of-way, canals, and streams shall be utilized to the maximum extent practicable for linear facilities. [Guideline 3.5]
6. Linear facilities and alignments shall be, to the maximum extent practicable, designed and constructed to permit multiple uses consistent with the nature of the facility. [Guideline 3.6]
7. Linear facilities involving dredging shall not traverse or adversely affect any barrier island. [Guideline 3.7]
8. Linear facilities involving dredging shall not traverse beaches, tidal passes, protective reefs or other natural gulf shorelines unless no other alternative exists. If a beach, tidal pass, reef or other natural gulf shoreline must be traversed for a non-navigation canal, they shall be restored at least to their natural condition immediately upon completion of construction. Tidal passes shall not be permanently widened or deepened except when necessary to conduct the use. The best available restoration techniques which improve the traversed area's ability to serve as a shoreline shall be used. [Guideline 3.8]
9. Linear facilities shall be planned, designed, located and built using the best practical techniques to minimize disruption of natural hydrologic and sediment transport patterns, sheet flow and water quality and to minimize adverse impacts on wetlands. [Guideline 3.9]
10. Linear facilities shall be planned, designed, and built using the best techniques to prevent bank slumping and erosion, saltwater intrusion, and to minimize the potential for inland movement of storm-generated surges. Consideration shall be given to the use of locks in navigation canals and channels which connect more saline areas with fresher areas. [Guideline 3.10]
11. All non-navigation canals, channels and ditches which connect more saline areas with fresher areas shall be plugged at all waterway crossings and at intervals between crossings in order to compartmentalize them. The plugs shall be properly maintained. [Guideline 3.11]
12. The multiple use of existing canals, directional drilling and other practical techniques shall be utilized to the maximum extent practicable to minimize the number and size of access canals, to minimize changes of natural systems and to minimize adverse impacts on natural areas and wildlife and fisheries habitat. [Guideline 3.12]
13. All pipelines shall be constructed in accordance with parts 191, 192, and 195 of Title 49 of the Code of Federal Regulations, as amended, and in conformance with the Commissioner of Conservation's Pipeline Safety Rules and Regulations and those safety requirements established by La. R.S. 45:408, whichever would require higher standards. [Guideline 3.13]

14. Areas dredged for linear facilities shall be backfilled or otherwise restored to pre-existing conditions upon cessation of use for navigation purposes to the maximum extent practicable. [Guideline 3.14]
15. The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities. [Guideline 3.15]
16. Confined and dead end canals shall be avoided to the maximum extent practicable. Approved canals must be designed and constructed using best practical techniques to avoid water stagnation and eutrophication. [Guideline 3.16]

D. Guidelines for Dredged Spoil Deposition

1. Spoil shall be deposited utilizing the best practical techniques to avoid disruption of water movement, flow, circulation and quality. [Guideline 4.1]
2. Spoil shall be used beneficially to the maximum extent practicable to improve productivity or create new habitat, reduce or compensate for environmental damage done by dredging activities, or prevent environmental damage. Otherwise, existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas. [Guideline 4.2]
3. Spoil shall not be disposed of in a manner which could result in the impounding or draining of wetlands or the creation of development sites unless the spoil deposition is part of an approved levee or land surface alteration project. [Guideline 4.3]
4. Spoil shall not be disposed of on marsh, known oyster or clam reefs or in areas of submersed vegetation to the maximum extent practicable. [Guideline 4.4]
5. Spoil shall not be disposed of in such a manner as to create a hinderance to navigation or fishing, or hinder timber growth. [Guideline 4.5]
6. Spoil disposal areas shall be designed and constructed and maintained using the best practical techniques to retain the spoil at the site, reduce turbidity, and reduce shoreline erosion when appropriate. [Guideline 4.6]
7. The alienation of state-owned property shall not result from spoil deposition activities without the consent of the Department of Natural Resources. [Guideline 4.7]

E. Guidelines for Shoreline Modification

1. Non-structural methods of shoreline protection shall be utilized to the maximum extent practicable. [Guideline 5.1]

2. Shoreline modification structures shall be designed and built using best practical techniques to minimize adverse environmental impacts. [Guideline 5.2]
3. Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, not interfere with navigation, and should foster fishing, other recreational opportunities, and public access. [Guideline 5.3]
4. Shoreline modification structures shall be built using best practical materials and techniques to avoid the introduction of pollutants and toxic substances into coastal waters. [Guideline 5.4]
5. Piers and docks and other harbor structures shall be designed and built using best practical techniques to avoid obstruction of water circulation. [Guideline 5.5]
6. Marinas and similar commercial and recreational developments shall to the maximum extent practicable not be located so as to result in adverse impacts on open productive oyster beds, or submersed grass beds. [Guideline 5.6]
7. Neglected or abandoned shoreline modification structures, piers, docks, mooring and other harbor structures shall be removed at the owner's expense, when appropriate. [Guideline 5.7]
8. Shoreline stabilization structures shall not be built for the purpose of creating fill areas for development unless part of an approved surface alteration use. [Guideline 5.8]
9. Jetties, groins, breakwaters and similar structures shall be planned, designed and constructed so as to avoid to the maximum extent practicable downstream land loss and erosion. [Guideline 5.9]

F. Guidelines for Surface Alterations

1. Industrial, commercial, urban, residential and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. Those uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only [Guideline 6.1]:
 - a. on lands five feet or more above sea level or within fast lands; or
 - b. on lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreasonable endangered; and

1. the land is already in high intensity of development use, or
 2. there is adequate supporting infrastructure, or
 3. the vicinity has a tradition of use for similar habitation or development.
2. Public and private works projects such as levees, drainage improvements, roads, airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when: [Guideline 6.2]
 - a. they protect or serve those areas suitable for development pursuant to Guideline 6.1.
 - b. they are consistent with the other guidelines; and
 - c. they are consistent with all relevant adopted state, local and regional plans.
 3. BLANK (Deleted) [Guideline 6.3]
 4. To the maximum extent practicable wetland areas shall not be drained or filled. Any approved drain or fill project shall be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts. [Guideline 6.4]
 5. Costal water dependent uses shall be given special consideration in permitting because of their reduced choice of alternatives. [Guideline 6.5]
 6. Areas modified by surface alteration activities shall, to the maximum extent practicable, be revegetated, refilled, cleaned and restored to their predevelopment condition upon termination of the use. [Guideline 6.6]
 7. Site clearing shall to the maximum extent practicable be limited to those areas immediately required for physical development. [Guideline 6.7]
 8. Surface alterations shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Alterations in wildlife preserves and management areas shall be conducted in strict accord with the requirements of the wildlife management body. [Guideline 6.8]
 9. Surface alterations which have high adverse impacts on natural functions shall not occur, to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildfire and aquatic species breeding or spawning areas, or in important migratory routes. [Guideline 6.9]

10. The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable. [Guideline 6.10]
11. Surface mining and shell dredging shall be carried out utilizing the best practical techniques to minimize adverse environmental impacts. [Guideline 6.11]
12. The creation of underwater obstruction which adversely affect fishing or navigation shall be avoided to the maximum extent practicable. [Guideline 6.12]
13. Surface alteration sites and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment and minimize other adverse impacts. [Guideline 6.13]
14. To the maximum extent practicable only material that is free of contaminants and compatible with the environmental setting shall be fused as fill. [Guideline 6.14]

G. Guidelines for Hydrologic and Sediment Transports Modifications

1. The controlled diversion of sediment-laden waters to initiate new cycles of marsh building and sediment nourishment shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversion shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source. [Guideline 7.1]
2. Sediment deposition systems may be used to offset land loss, to create or restore wetland areas or enhance building characteristics of a development site. Such systems shall only be utilized as part of an approved plan. Sediment from these systems shall only be discharged in the area that the proposed use is to be accomplished. [Guideline 7.2]
3. Undesirable deposition of sediments in sensitive habitat or navigation areas shall be avoided through the use of the best preventive techniques. [Guideline 7.3]
4. The diversion of freshwater through siphons and controlled conduits and channels, and overland flow to offset saltwater intrusion and to introduce nutrients into wetlands shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversion shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source. [Guideline 7.4]
5. Water or marsh management plans shall result in an overall benefit to the productivity of the area. [Guideline 7.5]
6. Water control structures shall be assessed separately based on their individual merits

and impacts and in relation to their overall water or marsh management plan of which they are a part. [Guideline 7.6]

7. Weirs and similar water control structures shall be designed and built using the best practical techniques to prevent "cut arounds," permit tidal exchange in tidal areas, and minimize obstruction of the migration of aquatic organisms. [Guideline 7.7]
8. Impoundments which prevent normal tidal exchange and/or the migration of aquatic organisms shall not be constructed in brackish and saline areas to the maximum extent practicable. [Guideline 7.8]
9. Withdrawal of surface and ground water shall not result in saltwater intrusion or land subsidence to the maximum extent practicable. [Guideline 7.9]

H. Guidelines for disposal of Wastes

1. The location and operation of waste storage, treatment, and disposal facilities shall be avoided in wetlands to the maximum extent practicable, and best practical techniques shall be used to minimize adverse impacts which may result from such use. [Guideline 8.1]
2. The generation, transportation, treatment, storage and disposal of hazardous wastes shall be pursuant to the substantive requirements of the Department of Environmental Quality adopted pursuant to the provisions of R.S. 30:217, et seq, as amended and approved pursuant to the Resource Conservation and Recovery Act of 1976 P. L. 94-580, as amended, and of the Office of Conservation for injection below surface. [Guideline 8.2]
3. Waste facilities located in wetlands shall be designed and built to withstand all expectable adverse conditions without releasing pollutants. [Guideline 8.3]
4. Waste facilities shall be designed and constructed using best practical techniques to prevent leaching, control leaching production, and prevent the movement of leachate away from the facility. [Guideline 8.4]
5. The use of overland flow systems for non-toxic, biodegradable wastes, and the use of sump lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged. [Guideline 8.5]
6. All waste disposal sites shall be marked and, to the maximum extent practicable, all components of waste shall be identified. [Guideline 8.6]
7. Waste facilities in wetlands with identifiable pollution problems that are not feasible and practical to correct shall be closed and either removed or sealed, and shall be properly revegetated using the best practical techniques. [Guideline 8.7]

8. Waste shall be disposed of only at approved disposal sites. [Guideline 8.8]
9. Radioactive wastes shall not be temporarily or permanently disposed of in the coastal zone. [Guideline 8.9]

I. Guidelines for Uses that Result in the Alteration of Waters Draining into Coastal Waters

1. Upland and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, volume, and rate of flow to the maximum extent practicable. [Guideline 9.1]
2. Runoff from developed areas shall to the maximum extent practicable be managed to simulate natural water patterns, quantity, quality and rate of flow. [Guideline 9.2]
3. Runoff and erosion from agricultural lands shall be minimized through the best practical techniques. [Guideline 9.3]

J. Guidelines for Oil, Gas and Other Mineral Activities

1. Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife and other coastal resources. [Guideline 10.1]
2. To the maximum extent practicable, the number of mineral exploration and production sites in wetland areas requiring floatation access shall be held to the minimum number, consistent with good recovery and conservation practices and the need for energy development by directional drilling, multiple use of existing access canals and other practical techniques. [Guideline 10.3]
3. Exploration, production and refining activities shall, to the maximum extent practicable, be located away from critical wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the wildlife management body. [Guideline 10.3]
4. Mineral exploration and production facilities shall be to the maximum extent practicable designed, constructed and maintained in such a manner to maintain natural water flow regimes, avoid blocking surface drainage, and avoid erosion. [Guideline 10.4]
5. Access routes to mineral exploration, production and refining sites shall be designed and aligned so as to avoid adverse impacts on critical wildlife and vegetation areas to the maximum extent practicable. [Guideline 10.5]
6. Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into

the environment. [Guideline 10.6]

7. All drilling activities, supplies, and equipment shall be kept on barges, on drilling rigs, within ring levees, or on the well site. [Guideline 10.7]
8. Drilling ring levees shall to the maximum extent practicable be replaced with small production levees or removed entirely. [Guideline 10.8]
9. All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing best practical techniques to withstand all expectable adverse conditions without releasing pollutants. [Guideline 10.9]
10. Mineral exploration, production and refining facilities shall be designed and constructed using best practical techniques to minimize adverse environmental impacts. [Guideline 10.10]
11. Effective environmental protection and emergency or contingency plans shall be developed and complied with for all mineral operations.
12. The use of dispersant, emulsifiers and other similar chemical agents on oil spills is prohibited without the prior approval of the Coast Guard or Environmental Protection Agency on-Scene Coordinator, in accordance with the National Oil and Hazardous Substance Pollution Contingency Plan. [Guideline 10.11]
13. Mineral Exploration and production sites shall be cleared, revegetated, detoxified and other wise restored as near as practicable to their original condition upon termination of operations to the maximum extent practicable. [Guideline 10.12]

K. Guidelines for Issuance of “Letter of No Objection” with regards to State Lands Permits

Individual applicants needing a “Letter of No Objection” shall submit a written request for such to the Local Coastal Management Office, accompanied by a complete Coastal Use Permit application. The applicant must have applied for all necessary permits including but not limited to a **D.O.A. Permit** from the U.S. Army Corps of Engineers, a **Coastal Use Permit** from the Department of Natural Resources, and a **Water Quality Certification** from the Department of Environmental Quality. The design of the proposed project must conform to the guidelines and standards detailed below to secure a letter of no objection from the local governing authority. Provided that all of the applicable guidelines are met, the letter may be issued administratively by the office that administers the Local Coastal Program.

The following guidelines are mandatory and not advisory in nature:

1. Piers
 - A. The pier shall be determined by the U.S. Coast Guard, or other appropriate

agency, not to pose any threat to safe navigation and shall be properly marked.

- B. The pier, and any structure built in relation to it, shall be similar in design and length to those in the general vicinity.
- C. The pier and its use shall be consistent with the uses allowed under Ordinance 532 (the Zoning Ordinance) for the supporting land parcel. (Example: no commercial use shall be allowed for a pier encountering the land in a residentially zoned area)
- D. Other individual requirements may be placed on any project relative to site specific concerns.

2. Land Reclamation

- A. Applicant must furnish a copy of the survey establishing past private property ownership of the piece of ground to be reclaimed.
- B. Vertical face, hard surface bulkheads shall be positioned so that the base of the bulkhead where it encounters the ground is above the average high water mark. Areas shoreward of the bulkhead shall be filled as shown on the application drawings.
- C. Reclamation seaward of the bulkhead shall be accomplished using softer, less damaging methods of soil retention such as vegetative planting, rip rap, concrete block revetment, or geo-textile materials. Wooden or similar structures will be allowed to provide for access to the water over the shoreline protection.
- D. A 20' public access easement will be provided in writing and shown on permit application drawings along the actual lakeshore as it exists after project completion when deemed applicable by Office of State Lands. No impediment to public access shall be placed across this easement. This easement shall be provided seaward of any proposed bulkhead structure and shall provide for public access across the entire project.
- E. The project shall not result in any alteration of existing drainage patterns without the express authorization of the Director of the Department of Engineering or his designee.
- F. If the project consists of repairing or replacing an existing bulkhead in disrepair, the new bulkhead will be placed parallel to and no further than 2 feet outside of the existing one. Any encroachment into the water in excess of 2 feet will be treated as a new land reclamation proposal and will be

subject to the standards set forth in this section.

- G. Other individual requirements may be placed on any project relative to site specific concerns.

3. Shoreline Stabilization (no land reclamation)

- A. The use of hard surface methods (bulkheading and retaining wall construction) is strongly discouraged as a means of shoreline stabilization.
- B. The base of any bulkhead or hard-surface structure shall be located above the average high water mark. Stabilization activities on the water side of the bulkhead shall incorporate softer methods such as vegetative planting, rip rap, concrete block revetment, or geo-textiles.
- C. Shoreline stabilization activities shall not result in the significant reduction in flood water storage capacity of the site or impediment to flood water flow. Existing drainage patterns shall not be altered without the written approval of the Director of Engineering or his designee.
- D. Bulkhead repair or replacement shall not extend more than 2 feet seaward of the existing bulkhead in disrepair. (If existing bulkhead is abandoned and not currently functional as designed or if shore area behind structure is exposed to open water, this item does not apply.)
- E. Other individual requirements may be placed on any project relative to site specific concerns.

4. Camps/Residences

- A. Camps shall be determined by the U.S. Coast Guard or other appropriate agency not to pose any threat to safe navigation. If necessary, they shall be properly marked.
- B. Proof of compliance with State and Parish sanitary codes shall be provided as well as proof of compliance with applicable parish building codes.
- C. Other individual requirements may be placed on any project relative to site specific concerns.

5. Variance

- A. A variance from these guidelines may be given by a majority vote of the Parish Governing Authority.

- B. Exceptions to these standards are lots in Northshore Beach Subdivision and lots on Lakeview Drive (Rat's Nest Road) due to the current development density of those two sites.

III. St. Tammany Parish Goals, Objectives and Policies

The following goals, objectives, and policies apply to the St. Tammany Parish coastal zone and are intended to encourage long-term plans for the coastal zone.

LCP Objectives, Policies, and Performance standards which directly or indirectly affect Uses of State Concern shall not be construed as being regulatory or binding on either the permit applicant or the Coastal Management Division, Department of Natural Resources, but are for the purpose of submitting the Parish environmental review comments to the State on applications for Uses of State Concern. Local policies which contain prohibitions, restrictions or performance standards beyond the scope of the Coastal Use Guidelines (CUG) shall be considered as advisory by the Parish, the CMD/DNR, and permit applicants (i.e., mandatory policies with "shalls" are modified such that "should" is the operative verb).

Parish comments to CMD/DNR on proposed Uses of State Concern shall be based on the policies of the LCP and may recommend specific project alternatives and conditions. CMD/DNR consideration of Parish recommendations shall be based on the conformance of the recommendation with the CUGs. Recommendations which reflect further detailing of the CUGs as they apply to the Parish shall be given substantial consideration by the CMD/DNR with the objective of maximizing conformances with the approved LCP. Recommendations which are not in conformance with the CUGs shall not be considered by the CMD/DNR.

St. Tammany Parish does not promote or encourage the alteration of wetlands for any reason. At times, projects may be approved if the use is water dependent, no feasible alternative exists, and the ultimate benefits outweigh the environmental impacts. However, simply because a use is water dependent does not in any way mean that it may occur in coastal wetland areas.

Language in the St. Tammany Parish Local Coastal Plan and the accompanying ordinance that suggests that the Parish in any way encourages development in coastal wetlands shall be considered within the scope of the above statement.

A. **Goal 1:** - To maintain, enhance, and/or restore the overall environmental quality and renewable resource productivity of the parish coastal zone.

1. Objective 1: - To protect water quality

- a. Policy 1. - Request maximum surveillance and enforcement from state and federal agencies for all water quality standards of the Environmental Protection Agency, Louisiana Department of Environmental Quality, and the Louisiana Department of Health and Hospitals.
- b. Policy 2. - No hydrocarbons, substances containing hydrocarbons, drilling mud, drilling cuttings, and toxic substances from any land uses shall be allowed to enter waterways and wetlands. Discharge of pathogens or toxic substances into coastal waters shall be prohibited.

- c. Policy 3. - Discharges of suspended solids that degrade the quality of coastal waters, for example from dredging or erosion from construction sites, shall be minimized by employing techniques that help retain sediment on site. Clearing of vegetation from construction sites shall be in compliance with the parish tree ordinance. Vegetated buffer zones along water courses and turbidity screens shall be required where practicable.
- d. Policy 4. - Deadend canals or canals that restrict circulation shall be avoided to the maximum extent practicable. Approved canals shall be designed and constructed using the best available techniques (maximizing canal widths, minimizing canal depths, preventing surface runoff into canals, avoiding deadend designs, etc.) to avoid water stagnation and eutrophication.
- e. Policy 5. - Activities that contribute to the creation of low dissolved oxygen conditions in the coastal zone shall be avoided to the maximum extent practicable.
- f. Policy 6. - The diversion of freshwater into Lake Pontchartrain through siphons, control conduits and canals to introduce freshwater and nutrients into the Pontchartrain estuary shall be encouraged and utilized whenever and wherever they enhance the viability and productivity of the system.
- g. Policy 7. - The location and operation of solid waste storage, treatment, and disposal facilities shall be avoided in the wetlands, and the best practical techniques shall be used to minimize adverse impacts which may result from existing sites.
- h. Policy 8. - The generation, transportation, treatment, storage, and disposal of hazardous wastes shall comply with regulations of the Department of Environmental Quality and the Environmental Protection Agency.
- i. Policy 9. - Sewage facilities shall be designed and constructed to withstand predictable adverse conditions, including hurricane storm surge, without releasing pollutants.
- j. Policy 10. - Sewage facilities and solid waste sites shall be designed and constructed using the best techniques to prevent leaching, to control leachate production, and to prevent the movement of leachate into the surrounding wetlands and water bodies.
- k. Policy 11. - Overland flow systems for non-toxic, biodegradable wastes and the use of swamp lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged and recommended.
- l. Policy 12. - All solid, toxic, and hazardous waste sites shall be marked and,

to the maximum extent practicable, all components shall be identified.

- m. Policy 13. - Existing solid waste sites in the coastal zone with identifiable pollution problems that are not feasible and practical to correct, shall be closed and either removed or sealed, and shall be properly revegetated with native species.
- n. Policy 14. - Solid waste generated in the coastal zone shall be collected and transported to approved disposal sites.
- o. Policy 15. - Radioactive waste shall not be temporarily or permanently disposed of in the coastal zone.
- p. Policy 16. - Upland runoff and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, and not significantly modify the volume, rate of flow, or seasonality of discharge to the maximum extent practicable.
- o. Policy 17. - Runoff and erosion from agricultural lands shall be minimized through the best practical techniques, such as vegetated buffers along water courses, contour farming, and the maintenance of a vegetative cover.
- p. Policy 18. - All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing the best practical techniques to withstand predictable adverse conditions without releasing pollutants.
- q. Policy 19. - The use of dispersants, emulsifiers, and other similar chemical agents on oil spills shall be discouraged and not used without the prior approval of the Coast Guard, the Environmental Protection Agency, and the Louisiana Department of Environmental Quality.
- r. Policy 20. - Mineral exploration and production sites shall be cleared, revegetated, detoxified and otherwise restored as near as practicable to their original condition upon termination of operations.
- s. Policy 21. - The sources of water pollution, such as urban and agricultural runoff, inadequately treated sewage, and industrial waste discharges, shall be identified, the discharges characterized, and methods proposed by federal, state, and local governments for mitigating the problems.
- t. Policy 22. - Sewerage collection systems shall be upgraded and repaired, to prevent pollutants from entering the coastal zone. Sewerage treatment plants shall be upgraded, consolidated, or replaced to meet future parish needs.

- u. Policy 23. - Industrial waste discharged into the storm drainage system shall be reduced to meet limits set by EPA and DEQ. Pre-treatment shall be required for all industries.
- v. Policy 24. - Derelict boats, barges, other watercraft, as well as pilings, docks, piers, and similar facilities shall be removed from the parish waterways before they degrade the water quality, become a hazard to navigation, or pose a threat to the public health, safety, or welfare.

2. Objective 2: - To prevent the degradation of air quality

Maximum surveillance and enforcement of all air quality standards of the Louisiana Department of Environmental Quality and the Environmental Protection Agency shall be requested.

B. **Goal 2:** - To conserve the integrity of the productive wetland areas.

1. Objective 1: - To maintain natural hydraulic systems, or when necessary, manage hydrologic patterns.

- a. Policy 1. - Impounding of unmodified or productive wetlands shall be avoided to the maximum extent practicable.
- b. Policy 2. - Levees (hurricane) shall be located at the non-wetland/wetland interface or inland to the maximum extent practicable. They shall be designed, built, operated, and maintained utilizing the best practical techniques to minimize disruptions of the hydrologic patterns, the transport of beneficial nutrients and sediments, and aquatic organisms between enclosed wetlands and those outside the levee system.
- c. Policy 3. - Access shall be permitted only along existing transportation corridors, rights-of-way, canals, and bayous. Multiple use of existing canals shall be practiced to the maximum extent possible to minimize modification of natural systems and to minimize adverse impacts on wildlife and fisheries habitat.
- d. Policy 4. - When dredging of existing canals is required, spoil shall be deposited utilizing the best practical techniques to avoid modification of water movement and the degradation of water quality. Spoil shall be treated as a resource and handled in a manner which results in the creation of wetlands or tidal flats.
- e. Policy 5. - Runoff from developed areas and agricultural fields shall, to the maximum extent practicable, be managed to duplicate natural hydrologic patterns and quality.

- f. Policy 6. - Mineral exploration and production facilities shall be, to the maximum extent practicable, designed, constructed and operated so that they maintain natural hydrologic regimes, avoid blocking drainage patterns, and not cause erosion of uplands or canal banks.
- g. Policy 7. - Culverts shall be located where streams, sloughs, and wetlands are crossed by existing roadway embankments, along newly constructed roadways, and canal systems. The maximum spacing between culverts in facilities that cross wetlands shall be 500 feet. The openings of the culverts shall be maintained so as to allow for free exchange of water and aquatic species.
- h. Policy 8. - Air-cushion vehicles, hovercraft, and helicopters shall be encouraged for the transportation of equipment and personnel throughout wetlands.
- i. Policy 9. - The smallest possible levees shall be constructed around well sites or production facilities.

2. Objective 2: - To maintain or restore natural salinity levels.

- a. Policy 1. - Unpolluted freshwater tributaries to the wetlands shall be maintained and protected.
- b. Policy 2. - Withdrawal of surface water and extraction of groundwater shall not cause saltwater intrusion or land subsidence.
- c. Policy 3. - Non-navigational canals, channels, and ditches which connect more saline conditions with fresher wetlands shall be plugged at waterway crossings and at intervals between crossings in order to maintain water quality. The plugs shall be properly maintained.
- d. Policy 4. - Existing artificial canals shall be plugged using state-of-the-art techniques upon abandonment of use.
- e. Policy 5. - When maintenance dredging is required, dredge material shall be used to reduce saltwater intrusion, to fill inactive canals to marsh level, to create wetlands, and mudflats. The spoil shall be treated as a resource.
- f. Policy 6. - Brines from mineral exploration or extraction shall not be discharged into open water or wetlands.
- g. Policy 7. - Weirs and water control structures shall be systematically employed when their existence prevents saltwater intrusion or loss of wetlands. They shall be designed and built using the best practical techniques

to prevent "cut arounds" while at the same time maintaining tidal exchange and the migration of aquatic organisms. A wetlands management plan shall be developed for the wetlands of the parish.

3. Objective 3: - To enhance or restore wetlands that have deteriorated due to erosion and/or subsidence.
 - a. Policy 1. - Stabilizing material, other than concrete bulkheads, that allow for the colonization of vegetation shall be used on areas of severe erosion, such as along canals, rivers, or the Lake Pontchartrain shoreline.
 - b. Policy 2. - Dredged material from permitted activities shall be treated as a resource and used to restore deteriorated wetlands where feasible and not to the detriment of a unique feature or community.
 - c. Policy 3. - A comprehensive plan shall be prepared that identifies wetlands for restoration. These areas can include abandoned access canals, subsided areas, and degraded wetlands.
 - d. Policy 4. - Revegetation of restored areas or newly created land shall be accomplished with native plant materials that are appropriate for the elevation and salinity conditions of the site.
 - e. Policy 5. - Shoreline structures shall be designed and built using best practical techniques to minimize adverse environmental impacts. Shoreline hardening structures shall be discouraged to the maximum extent practicable in order to allow for the natural evolution of wetlands.
 - f. Policy 6. - Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, shall not interfere with navigation, and, whenever practical, shall be designed for fishing and recreational use by the public.
 - g. Policy 7. - To the maximum extent practicable all allowed uses and activities shall be planned, sited, designed, constructed, operated, and maintained to avoid:
 - i. Destruction or adverse alterations of streams, wetlands, tidal passes, inshore waters and waterbottoms, beaches, and other natural biologically valuable areas or protective coastal features.
 - ii. Detrimental changes in existing salinity regimes.
 - iii. Adverse modification of littoral processes.
 - iv. Reductions or blockage of water flow or natural circulation patterns

within or into estuarine habitats.

- v. Land loss by erosion and/or subsidence.
 - h. Policy 8. - The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities, such as canals.
 - i. Policy 9. - Existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas in the wetlands.
 - j. Policy 10. - Spoil disposal areas shall be designed, constructed, and maintained using the best practical techniques to retain the spoil on site, reduce turbidity in adjacent areas, and retard shoreline erosion. Spoil shall be used as a resource (to the maximum extent practicable) to improve productivity or create new habitat, to reduce or compensate for environmental damage done by the dredging activity, and to prevent other environmental damages.
 - k. Policy 11. - Sediment may be used to offset land loss, to create or restore wetlands, or as foundation material outside of wetlands. Such systems shall only be utilized as part of a federal, state, and locally approved plan.
4. Objective 4: - To maintain or improve wetlands quality.
- a. Policy 1. - Oil and gas activities shall utilize existing linear facilities and employ directional drilling from these facilities to the maximum extent practicable.
 - b. Policy 2. - Turbidity screens shall be required during dredging operations.
- C. **Goal 3:** - To encourage only water dependent uses of the coastal zone to the extent consistent with federal and state programs and regulations.
- 1. Objective 1: - Non-water dependent uses shall be discouraged from being located on or near the water or wetlands, to the maximum extent practicable. Proposed uses require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose, i.e., they are water-dependent.
 - a. Policy 1. - Plans shall limit the alteration of wetlands by restricting to the maximum extent practicable development activities to those activities that are intrinsically associated with coastal waters.
 - b. Policy 2. - Plans shall minimize the need for federal and state relief efforts resulting from floods by considering surge heights, shoreline erosion,

foundation conditions, and productivity of the area in the early stages of project development.

- c. Policy 3. - Projects shall minimize damage to public facilities and utilities such as water and gas lines, electric, telephone and sewer systems, and streets or bridges located in high flood hazard zones.
- d. Policy 4. - Plans shall minimize the placement of infrastructure that encourages uses in the coastal zone that are not water dependent.
- e. Policy 5. - Developers shall insure that those who occupy areas of special hazards are aware of the consequences of their actions.
- f. Policy 6. - Plans shall restrict uses in high flood hazard areas that jeopardize public health, safety, and property, or that result in increased erosion, flood heights, or velocities.
- g. Policy 7. - Structures shall be floodproofed and elevated over the 100 year flood level at the time of construction.
- h. Policy 8. - Alterations in natural floodplains, and particularly in the floodway, shall be prohibited to the maximum extent practicable to protect against loss of life and property from flooding.
- i. Policy 9. - Critique emergency evacuation plans for developments that expose concentrations of people to flooding or storm surge.
- j. Policy 10. - Once every five years or after every catastrophic event (declared emergency) review the evacuation plan and require revisions as needed.
- k. Policy 11. - Insure local compliance with federal Executive Orders 11988 and 11990.

2. Objective 2: - To direct more intense development to higher grounds.

- a. Policy 1. - Pursue federal, state, and local sources for funding of parish comprehensive plans.
- b. Policy 2. - Encourage only those activities that require access or proximity to or siting within the special aquatic site to fulfill its basic purpose.
- c. 3. - Incorporate design features into projects that enhance their aesthetic appeal and economic value to the developer and the parish.
- d. Policy 4. - Encourage the use of design features to protect the environmental

quality and integrity of the coastal waters and wetlands.

- e. Policy 5. - Encourage practices that limit downstream adverse impacts resulting from upland development.
3. Objective 3: - To restrict nonwater-dependent uses to such areas as spoil banks, the Pleistocene surface, existing fastlands, and severely altered areas, such as along existing transportation corridors.
- D. **Goal 4:** - To enhance opportunities for recreational use of the coastal zone.
- 1. Objective 1: - To make provisions for access to proposed and existing public recreation areas.
 - a. Policy 1. - Develop funding sources for land acquisition, facilities, operations and long-term maintenance. A program setting priorities for these actions and similar multiuse activities shall be developed and implemented.
 - 2. Objective 2: - Protect unique wetlands for recreational uses that require a natural setting.
 - a. Policy 1. - Acquisition of highly productive areas as national wildlife refuges, state wildlife management areas, or parish special areas shall be encouraged.
 - b. Policy 2. - Educational material shall be supplied to the general public describing the coastal environment and the need for responsible stewardship.
- E. **Goal 5:** - To minimize adverse effects of industry, subdivisions, or transportation systems on environmental quality.
- 1. Objective 1: - To encourage nonwater dependent urban and industrial development only in areas which are suitable.
 - a. Policy 1. - Encourage development:
 - i. On lands five feet or more above sea level or within existing fastlands.
 - ii. On lands with foundation conditions suitable for that use.
 - iii. On lands where flood and storm hazards are minimal, and where the public safety would not be unreasonably endangered.
 - iv. On lands where development exists and there is adequate supporting infrastructure.

- v. In areas approved for development by the St. Tammany Parish Planning Commission.
 - b. Policy 2. - Projects, such as levees, drainage improvements, roads, airports, ports, and public utilities, which are necessary to protect and support needed development shall be encouraged so long as they meet or exceed the following criteria to the maximum extent practicable.
 - i. They protect or serve only those areas suitable for development with minimal adverse impact to other coastal areas.
 - ii. They are consistent with the Coastal Use Guidelines.
 - iii. They are consistent with adopted state, local, and regional land use plans and environmental regulations.
2. Objective 2: - Only minimal disruption of the natural physical state of the land shall occur during the construction and occupancy of any development.
- a. Policy 1. - Site clearing shall be limited to those areas required for the project.
 - b. Policy 2. - Areas modified by surface alteration activities shall be revegetated, refilled, cleaned and restored to their predevelopment condition when the use is abandoned. Revegetation shall occur immediately after the use is abandoned.
 - c. Policy 3. - Provisions shall be made to retard sediment runoff from reaching and adversely impacting water bodies to the maximum extent practicable by using construction best management practices.
 - d. Policy 4. - Impervious surfaces shall be minimized to the maximum extent practicable.
 - e. Policy 5. - Septic systems shall be located the maximum distance from water bodies, valuable habitat or wetlands, and be regularly maintained in compliance with federal, state, or local regulations.
 - f. Policy 6. - Construction activities near fragile habitats especially spawning or nursery areas shall be discouraged during the spawning season to the maximum extent practicable.
 - e. Policy 7. - Environmentally acceptable alternative systems shall be constructed in areas where soils or water conditions are not suitable

for septic systems.

3. Objective 3: - Any permitted development which occurs within or adjacent to a sensitive habitat shall be designed, constructed, and operated in a manner which will allow minimal adverse impacts on the wetlands.
 - a. Policy 1. - Any permitted development which could cause adverse impacts must complete the St. Tammany Parish environmental assessment form before construction proceeds.
 - b. Policy 2. - When a development is proposed which causes unavoidable detrimental impacts, mitigation shall be required as determined by the Planning Commission and in coordination with the Secretary of DNR and CMD. If replacement is appropriate it shall be equal to or greater than the habitat values lost and shall be in St. Tammany Parish. The LCP Administrator shall monitor the project so that it is completed and operated as proposed.
 - c. Policy 3. - Surface alterations and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances and to minimize other adverse impacts.
 - d. Policy 4. - Ingress and egress to and from necessary wetland habitats for marine organisms shall be maintained to the maximum extent practicable.
 4. Objective 4: - To maintain a balance between development impacts and natural integrity of the environment.
 - a. Policy 1. - At least one-quarter mile of buffer zone shall be maintained between nonwater dependent industrial developments and productive wetlands.
 - b. Policy 2. - Forested wetlands within urban settings shall be set aside for recreational parks or park-like developments to the maximum extent practicable. If these areas must be developed, at least 50% of the existing vegetation greater than 8" in diameter shall be maintained.
- F. **Goal 6:** - To preserve and enhance existing agricultural lands.
1. Objective 1: - To develop a comprehensive agricultural plan.
 - a. Policy 1. - Inventory existing agricultural lands and prioritize those

lands that shall be preserved.

- b. Policy 2. - An agricultural preservation ordinances which will be consistent with the concept of protecting the values of the coastal zone shall be developed.
- c. Policy 3. - Agricultural practices which increase productivity, conserve valuable soils and nutrients, reduce pesticide application and do not adversely impact coastal water quality shall be encouraged.
- d. Policy 4. - New agricultural activities shall be discouraged in the coastal wetlands.
- e. Policy 5. - Develop and implement agricultural best management practices (e.g. conservation tillage, buffers, etc.) to the maximum extent practicable in the coastal zone.

2. Objective 2: - To protect and enhance potable water reserves.

- a. Policy 1. - A study shall be undertaken which inventories existing wells, calculates the current withdrawal rate, and recommends alternate sources for agricultural and industrial users.
- b. Policy 2. - Groundwater withdrawal shall be regulated for conservation purposes. Aquifer recharge, if feasible, shall be encouraged.
- c. Policy 3. - Industrial and agricultural usage of groundwater shall be inventoried and withdrawals and discharges regulated to prevent waste. A monitoring program shall be established to detect migration of pesticides and fertilizers into the groundwater.
- d. Policy 4. - Sanitary and/or hazardous waste dumps shall be monitored and regulated for possible pollution of the groundwater.

G. **Goal 7:** - To protect renewable resources within the Parish.

1. Objective 1: - To protect and enhance commercial and recreational fisheries, waterfowl, and fur-bearers.

- a. Policy 1. - Water management practices prior to implementation of a project, shall be assessed to determine their effects upon the commercial and recreational fisheries, waterfowl, and fur-bearers.
- b. Policy 2. - Water management practices whenever practical shall

establish new nursery grounds, provide ponds for sport fishing, and enhance the production of commercial and recreational fisheries.

- c. Policy 3. - Wetlands vegetation that serves as a food source for fur-bearers, waterfowl, and fisheries shall be protected and enhanced by reestablishing selected plants, water management practices, and conservation techniques.

2. Objective 2: - To protect and enhance critical habitats.

- a. Policy 1. - Any uses which will have adverse impacts shall be prohibited within a one-mile radius of known eagle nests and within a one-half mile of known critical wildlife habitat.

3. Objective 3: - To encourage silvaculture practices that protect forested wetlands.

- a. Policy 1. - A wetlands forestry conservation program shall be developed.
- b. Policy 2. - Professionally trained foresters shall be used when developing site plans.
- c. Policy 3. - Existing cypress/tupelo gum stands shall be protected from saltwater intrusion.

H. **Goal 8:** - To minimize effects of mining non-renewable resources within the parish.

1. Objective 1: - To minimize detrimental impacts of oil and gas exploration.

- a. Policy 1. - Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife, and other renewable resources:
 - i. Pre-extraction activities shall be performed during the season of minimum waterfowl or wildlife activity.
 - ii. Shotholes drilled during seismic reconnaissance shall be filled to not cause drainage problems.
 - iii. Vibrating equipment shall be used for seismic activities and in areas of wildlife and waterfowl concentrations.
 - iv. Seismic activities shall not be allowed in critical wildlife nesting and feeding areas.

- v. Travel by foot or helicopter is recommended to minimize physical damage to the wetlands system.
 - vi. Use of existing roadways; minimize the total number of trips; travel over naturally high areas rather than depressions and greatly limit marsh vehicles from crossing unprotected levees are recommended.
 - vii. The number of vehicle trips along the same route shall be reduced to the minimum necessary depending on conditions; for example, retracing vehicular tracks shall be avoided.
 - viii. Use of balloon-tired vehicles is recommended as being preferable to tracked vehicles.
 - ix. Conducting surveys in dry seasons to avoid wildlife and waterfowl concentrations and is recommended.
 - x. Seismic lines shall avoid small water bodies that serve as nesting and feeding areas for wildlife and waterfowl.
- b. Policy 2. - Use of airboats on marsh vegetation is preferred to the use of marsh buggies and is recommended.
 - c. Policy 3. - Exploration and production shall, to the maximum extent practicable, be located away from critical wildlife areas and wetlands. Mineral operations in wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the relevant wildlife management agency.
2. Objective 2: - To minimize adverse impacts from oil and gas extraction and production.
- a. Policy 1. - To the maximum extent practicable, mineral exploration and production facilities shall be designed and constructed to maintain natural hydrologic regimes, avoid blocking overland flow, and not contribute to erosion of banks or beaches.
 - b. Policy 2. - To the maximum extent practicable, access routes to mineral exploration and production sites shall be designed to avoid adverse impacts on critical wildlife and vegetation areas.
 - i. Roads shall avoid critical wildlife areas and wetlands; culverts and bridges shall be installed to maintain water flow; alignments shall be parallel to water flow.

- ii. Affected areas shall be of minimal size by keeping materials, vehicles, and activities within the right-of-way.
 - iii. Directional drilling shall be considered when planning a project.
 - iv. Borrow pits shall be offset to prevent formation of long continuous ditches.
 - v. Cloth or vegetation mats shall be used on levees to help prevent erosion and accelerate revegetation.
 - vi. Engineering practices and alignments can reduce impacts on some land uses; a thorough investigation shall identify possible techniques.
 - vii. Vehicles shall be restricted to the rights-of-way; marsh vehicles shall not cross unprotected levees.
 - viii. Canals shall be designed to prevent water stagnation; they shall be short and straight, while avoiding natural creeks and swales.
 - ix. Spoil disposal sites and techniques other than levees or mounds shall be carefully considered. These include retaining structures, turbidity control, and broadcasting spoil.
 - x. When water courses are crossed, plugs and bulkhead shall be installed. Plug widths from 6 to 100 ft across the bottom are appropriate, depending on soil composition and land uses. Plug height shall take into account subsidence and shrinkage. Some spoil plugs shall be heavily reinforced to withstand cows or alligators or because of poor-quality construction materials.
 - xi. Berms, the distance between the canal edge and spoil base, are recommended to range from 15 to 50 ft, depending on reinforcement structures, channel size, boat traffic, etc.
 - xii. Vehicular traffic on the marsh shall be minimized, and speed limits kept low to reduce erosion.
- c. Policy 3. - Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the

environment. For example, drilling activities, supplies, and equipment shall be kept on barges, rigs, within ring levees or removed entirely.

- d. Policy 4. - After completion of drilling activities, well sites and ring levees shall be reduced to the minimum size necessary for production purposes and the site shall be restored to pre-project conditions when production is completed or a dry hole is drilled.
- e. Policy 5. - All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing the best practical techniques to withstand all expectable adverse conditions, such as hurricanes or exceptionally high tides, without releasing pollutants.
- f. Policy 6. - Well site construction shall comply with the following:
 - i. Locate facilities to avoid critical wildlife areas and wetlands; evaluate directional drilling at all times to avoid disruption of surface drainage and wetlands destruction; and incorporate adequate erosion control measures.
 - ii. Areas affected shall be minimized by limiting equipment and activities to the easement. Use the smallest area possible.
 - iii. Spoil deposition and borrow pit shall be oriented to have minimal impact and shall be as small as possible;
 - iv. Prefabricated containers shall be used to eliminate the excavation of mud pits and minimize the size of well sites.
 - v. Vegetation shall be removed prior to construction of ring levee to help prevent seepage at the base of the levee.
 - vi. Replanting fresh spoil helps prevent erosion and is encouraged. Recently removed vegetation is a convenient source of plant material.
 - vii. Toxic or noxious substances shall not be released into the environment.
 - viii. Noise levels shall be kept to a minimum in order not to adversely impact adjacent land uses.
- g. Policy 7. - Effective environmental protection and emergency or

contingency plans shall be developed and complied with on all mineral operations.

- h. Policy 8. - Drilling activities shall practice the following:
 - i. Supplies, drilling mud, cuttings, and waste shall be stored in impervious containers or lined pits. Harmful waste shall be transported to approved sites for disposal.
 - ii. Pollutants shall not be released into the environment. Oils can be skimmed from wash water and sump water; worn, faulty, or leaking equipment can be replaced.
 - iii. When appropriate, drilling activities shall take place during the season of minimum waterfowl and wildlife activity.
 - iv. Activities, supplies and equipment shall be kept on barges to reduce adverse impacts; good work habits and proper supervision shall be used to avoid careless work practices that result in materials entering the water.
 - v. Booms shall be strategically placed to control flotsam.
 - vi. Boat traffic and speed shall be kept to a minimum, thereby reducing turbidity and erosion.
- i. Policy 9. - Production facilities and activities shall incorporate the following concepts into their operations:
 - i. The facility shall be located in the least ecologically sensitive area or within previously disturbed areas.
 - ii. Surface drainage shall not be blocked and adequate erosion-control measures shall be part of the site plan.
 - iii. The overall size of the site can be minimized by developing a plan that makes efficient use of space.
 - iv. Petroleum waste (scrapings of paraffin and tar) shall be properly stored and discarded.
 - v. Saltwater brine shall be handled according to state regulations and also not discharged into unaltered areas.
 - vi. When a project is complete the ring levees shall be breached

or removed, if appropriate.

- vii. When levees remain revegetation and erosion-control techniques may be very beneficial as part of a maintenance program and shall be seriously evaluated.
 - viii. The placement of facilities on pilings shall be considered preferable to putting them on fill.
- j. Policy 10. - Pipeline installation crossing the coastal zone shall be done so that it:
- i. If necessary, only temporarily blocks surface drainages during installation.
 - ii. Locates the right-of-way in the least productive and sensitive ecological systems;
 - iii. Restricts equipment and activities to the right-of-way.
 - iv. Rapidly restores sites to minimize erosion and accelerate use by wildlife. Vegetation can be planted to favor preferred species. Only approved herbicides shall be used for vegetation control, and then only when mowing or bushhogging is not practical.
 - v. "Double-ditching," i.e., the topsoil and vegetation are removed first and replaced last, shall be used wherever practicable.
 - vi. Flowlines shall be adequately supported when crossing water bodies, and burial shall begin well behind the canal or waterway edge.
 - vii. Large pipelines shall be placed in a "pipeline corridor" to minimize total area disturbed; light-impact excavation equipment shall be used.
 - viii. The push ditch technique of pipeline construction disturbs much less area than the flotation method and shall be utilized to the maximum extent practicable. Any pipeline ditch shall be backfilled as soon as possible.
 - ix. Plugs shall be placed at intersections with waterways. In addition, they shall be placed every 1,250 to 1,500 feet across

long, straight pipeline canals to retard water movement.

- x. Plugs and riprap shall be designed and maintained to withstand all abuse (wave attack, burrows, etc) for the duration of the pipeline. The width of plugs may range from 6 ft to 100 ft across the bottom, depending on soil composition and land use.

- k. Policy 11. - In relation to spills of hazardous materials, hydrocarbons, or other industry related materials, the following shall apply:
 - i. A contingency plan shall be filed with the parish.
 - ii. Immediate action shall be taken to contain materials and prevent their entrance into open waterways.
 - iii. Low-impact, clean-up techniques shall be used. Use of dispersants, emulsifiers, and other chemical agents shall be avoided, if at all possible.
 - iv. Mechanical devices, such as gas-operated air horns, may be requested to discourage use of the area by wildlife and waterfowl.
 - v. Immediate site restoration is important to return the impacted area to its use by wildlife and waterfowl. Restoration practices include seeding or planting of selected species.
 - vi. Low-impact vehicles, such as skiffs, boats, and airboats, shall be used. Alteration of land surfaces is more persistent (perhaps irreversible) and may be more detrimental than the effects of the spill.

- l. Policy 12. - Exploration and production sites shall be cleared, revegetated, detoxified, and otherwise restored as near as practicable, to their original condition upon cessation of operations. Some practices include:
 - i. Monitoring of the existing sites that contain buried drilling mud and other waste when used for new drilling.
 - ii. Re-contouring, blocking or opening of drainageways, and replacement of soils.

- iii. Construction of nesting and feeding areas or ponds and the diversification of habitat to encourage use by wildlife.
- iv. Removal of concrete or other impervious surfaces.
- v. Backfilling of borrow areas when necessary.
- vi. Revegetation of exposed soil to accelerate restoration and reduce erosion.
- vii. Control of turbidity.

I. **Goal 9:** - To minimize detrimental effects of coastal water dependent uses on wetland areas.

- 1. Objective 1: - All policies set forth under the parish-wide goal to minimize detrimental effects of oil and gas exploration and extraction shall be adhered to.
- 2. Objective 2: - To control recreational activities and encourage them only in appropriate areas.
 - a. Policy 1. - Sanitary codes related to sewage and solid waste disposal and litter ordinances shall be strictly enforced on all activities in the coastal zone.
 - b. Policy 2. - The intentional discharge of petroleum products from boating activities shall be prohibited and stringently enforced.
 - c. Policy 3. - Pump-out facilities shall be provided at all marinas and harbors.
- 3. Objective 3: - Hunting and trapping activities shall be permitted only in designated areas and shall comply with federal and state regulations.

IV. Special considerations

A. INDUSTRIAL - All industrial uses as defined in the St. Tammany Parish Land Use Ordinance No. 523 which are proposed for location within the permit area are required to obtain a coastal use permit before any site alteration can take place.

- 1. The applicant or his designated agent will be required to present plans and

specifications describing the proposed development, including the completed Environmental Assessment Data Form at the time of application submission.

2. The applicant will also furnish a drainage plan denoting the site and surrounding topography and drainage pattern.
3. The applicant will furnish a plan which explains how the solid and liquid wastes are to be collected and disposed of.
4. The applicant will furnish supportive data to explain the vehicular or rail traffic increase to be realized, if any.
5. All coastal use applications for industrial activities which are uses of local concern will require a public hearing.

B. COMMERCIAL - All commercial uses as defined in the St. Tammany Parish Land Use Ordinance No. 523 which are proposed for location within the permit area are required to obtain a coastal use permit before any site alteration can take place. The applicant for any such proposed commercial use will supply the following to be included with the application form.

1. A completed Environmental Assessment Data Form and an appropriate site plan and vicinity map.
2. An explanation or analysis of the proposed level of activity anticipated for the commercial activity with regard to vehicular and/or watercraft traffic and noise levels.
3. An explanation as to the method to be used to dispose of all solid and liquid wastes.

C. SHORELINE AND WATER CONTROL STRUCTURES - Structures which alter water circulation and/or modification of associated shorelines will require a coastal use permit. The following types of uses will be permitted under uses of local concern and processed by the Local Coastal Program Administrator. A public hearing shall only be required if any dredging is to take place.

1. Jetties, breakwaters, and private water control structures of under \$15,000 in cost which include weirs, boat slips, private canals, artificial sloughs, etc. - The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant shall provide a cost breakdown of the intended work which meets the satisfaction of the LCP Administrator.
2. Piers - All piers that require the laying of supportive pilings in and along water

bodies will require a coastal use permit if said pier extends from the shoreline in excess of five (5') feet and contains more than six (6) pilings or if it will have a direct and significant impact on coastal waters. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant shall provide photographs and a description of the vegetation at the site of construction and a completed Environmental Assessment Data Form.

3. Bulkheads - All bulkheads proposed along shorelines that are to be constructed beyond five (5') feet from the shoreline or that will have a direct and significant impact on coastal waters will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant will provide photographs and a description of the vegetation at the site of construction and a completed Environmental Assessment Data Form.
4. Dredge or fill projects - Any maintenance or development activities occurring within the coastal zone or which require dredge or fill of waterways or wetlands will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant will provide photographs and a description of the vegetation at the site of construction and a completed Environmental Assessment Data Form.

D. RESIDENTIAL DEVELOPMENT - All new subdivisions and reactivation of dormant subdivisions as defined under St. Tammany Parish Subdivision Ordinance No. 499 will require a coastal use permit. The applicant shall use the parish permit form (U.S. Army Corps of Engineers, Engineering Form 4345 or its official federal replacement) with required supporting documentation as specified by the Corps of Engineers' guidelines. In addition, the applicant must provide a completed Environmental Assessment Data Form, explain the traffic movements associated with the development, and describe the method to be used for disposal of all solid, liquid and sanitary wastes.

E. ENVIRONMENTAL MANAGEMENT UNIT - Upon acceptance of the application, the LCP Administrator will determine if the property affected by the LCUP is located within an Environmental Management Unit. There are four (4) geographical segments of the parish which have been delineated as EMUs. The four EMUs are depicted in the official Parish of St. Tammany Coastal Zone Management map included in the back insert of this Ordinance's appendix. The four EMUs are as follows:

1. Marsh-swamp EMU*, southwest corner of the parish (PMSA** EMU 10)

West - Tangipahoa Parish
North - I-12
East - N. Causeway Boulevard. from I-12 to Lake Shoreline
South - Lake Pontchartrain shoreline

* EXCLUDES Floodplain EMU, the Tchefuncte River
** Pontchartrain Maurepas special Area

a. **Goals for Marsh-swamp EMU (PMSA EMU 10)**

- 1) Protect and conserve the environmental quality of the EMU.
- 2) Protect the wetlands from further degradation and/or destruction.
- 3) Reduce shoreline erosion while not adversely affecting adjacent shorelines or wetlands.
- 4) Preserve the integrity of the wetlands.
- 5) Protect the water quality of the EMU and work toward improving those areas where degradation has already taken place.
- 6) For activities resulting in unavoidable impacts to wetlands, or other permitted dredge and fill activities, impose mitigation conditions so that spoil is used to create new wetlands or retard shoreline erosion.
- 7) Encourage development in those areas where soil conditions are suitable and there is a minimal threat of flooding, and discourage development in areas with unsuitable soils, or areas subject to coastal flooding to the maximum extent practicable.
- 8) Encourage comprehensive wetlands planning and management for all wetlands.
- 9) Protect the cultural resources within the EMU from destruction or unauthorized excavation.
- 10) Encourage landowners to become more involved in protecting the wetlands and retarding wetlands loss and shoreline erosion.
- 11) Encourage property owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.

b. Policies for Marsh-swamp EMU (PMSA EMU 10)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Permits issued for activities that require dredge and fill or maintenance shall make positive use of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish or shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.
- 3) Existing transportation corridors (roads, pipeline rights-of-way, waterways) shall be used to the maximum extent practicable when accessing or traversing the lake shoreline or the wetlands.
- 4) Development shall be encouraged on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.
- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Shoreline vegetation along lakes, canals, or natural water courses shall be protected, and where feasible restored, created, or enhanced to retard erosion and enhance water quality.
- 8) Flood protection levees shall be encouraged on the exposed Pleistocene uplands and designed so that they will not adversely affect the migration of valuable wetlands species due to potential sea level rise. They shall not encroach onto the Recent surface.
- 9) Mitigation for any coastal uses within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.
- 10) Comprehensive wetlands conservation plans shall be prepared for

selected wetlands, such as the area south of La. Hwy. 22 between the Tchefuncte River and Lewisburg and the area between La. Hwy. 1077 and the drainage districts to the west.

- 11) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavations.
- 12) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 13) Surface alterations shall be designed so they do not degrade the ground or surface water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of impervious surfaces, and incorporate urban construction, agriculture, and silviculture, best management practices (including sediment and erosion control, stormwater management and septic system installation and operation) to the maximum extent practicable.
- 14) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 15) Revegetation of disturbed areas shall use native species and rely on the parish tree ordinance for guidance.
- 16) The LCP Administrator shall work with landowners to investigate the practicality and feasibility of initiating a wetlands conservation program for their holdings. The parish shall investigate possible funding mechanisms, such as tax incentives or impact fees, for assisting landowners in initiating and maintaining a federal and state permitted wetlands management plan.
- 17) Dams, plugs, and spoil banks constructed as a result of the local or state coastal programs shall be maintained by the individual or company responsible for the dredging.
- 18) Vegetation, or other innovative techniques shall be used to the maximum extent practicable to stabilize eroding shorelines rather than hard surface practices, such as bulkheads or seawalls. In fact, hard surfacing practices shall be discouraged to the maximum extent

practicable.

- 19) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

2. Floodplain EMU, the Tchefuncte River (PMSA EMU 11)

West - LA Hwy. 1077 from I-12 to Lake shoreline

North - I-12

East - US Hwy. 190, LA Hwy. 22 and east shoreline (left descending bank) of the Tchefuncte River

South - Lake Pontchartrain shoreline

a. **Goals for Floodplain EMU (PMSA EMU 11)**

- 1) Protect the cypress swamp and associated riparian habitat that lies between the Tchefuncte River and the Pleistocene uplands.
- 2) Protect or restore the water quality of the Tchefuncte River.
- 3) Protect vegetation along the shoreline of the river to prevent erosion, enhance water quality, and retain aesthetic value of the watercourse.
- 4) Encourage development on the Pleistocene uplands and on soils that are suitable for development and where there is a minimal threat of flooding.
- 5) Protect cultural resources within the EMU from destruction or unauthorized excavation.
- 6) Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.

- 7) To the maximum extent practicable, development shall be prohibited in a floodplain or floodway that would increase the effects or impacts of flooding on downstream areas.

b. Policies for Floodplain EMU (PMSA EMU 11)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Permits issued for activities that require dredge and fill or maintenance shall make positive use of spoil by protecting the eroding shorelines or creating wetlands. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish or shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.
- 3) Existing transportation systems, development corridors, pipeline rights-of-way, and entry points shall be used when accessing or traversing the Tchefuncte River and adjacent wetlands.
- 4) Development shall be encouraged on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies. Floodplains and floodways shall be avoided to the maximum extent practicable.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development.
- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Any mitigation for a coastal use within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.
- 8) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavation.

- 9) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 10) Surface alterations shall be designed and permittee shall be encouraged to use urban, construction, and agricultural best management practices so that the project does not adversely degrade the surface or ground water quality of the project area or adjacent areas.
- 11) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 12) Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.
- 13) Vegetation, or other innovative techniques to stabilize eroding shorelines shall be used to the maximum extent practicable rather than hard surface practices, such as bulkheads or seawalls.
- 14) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

3. Marsh-lowland EMU (PMSA EMU 12)

West - N. Causeway Boulevard from I-12 to Lake shoreline

North - I-12

East - US Hwy. 190, LA Hwy. 22 and east shoreline (left descending bank) of the Tchefuncte River

South - Lake Pontchartrain shoreline and Rigolets shoreline

a. **Goals for Marsh-lowland EMU (PMSA EMU 12)**

- 1) Protect and conserve the environmental quality of the EMU.
- 2) Protect the wetlands from further degradation and/or destruction from natural or man-related causes.
- 3) Reduce shoreline erosion and where possible restore the integrity of the shorelines.
- 4) Preserve the integrity of the wetlands.
- 5) Protect the water quality of the EMU and work toward improving those areas where degradation has already take place.
- 6) Impose mitigation conditions upon dredge and fill permits so spoil is used to create new wetlands or retard shoreline erosion.
- 7) Encourage development in those areas where soil conditions are suitable and there is a minimal threat of flooding.
- 8) Encourage comprehensive wetlands planning and management for all wetlands.
- 9) Protect the cultural resources within the EMU from destruction or unauthorized excavation.
- 10) Encourage landowners to become more involved in protecting the wetlands and retarding wetlands loss.
- 11) Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.
- 12) To the maximum extent practicable, buffers and transition zones shall surround valuable wetlands in the EMU.

b. Policies for Marsh-lowland EMU (PMSA EMU 12)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Spoil should not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish

and shellfish, or destroy cultural resources. When it is necessary to dredge, spoil should be treated as a resource and not discarded as a useless byproduct.

- 3) Existing transportation systems (roads, pipeline rights-of-way, waterways), development corridors, and entry points shall be used to the maximum extent practicable when accessing or traversing the lake shoreline or the wetlands.
- 4) Development on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU shall be encouraged. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies or will not be damaged by repetitive flooding.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable for their development. Coastal water dependent uses if permitted shall be allowed only in wetlands with the lowest habitat productivity, flood retention, or erosion protection values or adjacent to preexisting water dependent uses.
- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Shoreline vegetation along lakes, canals, or natural water courses shall be protected to retard erosion and enhance water quality.
- 8) Flood protection levees shall be encouraged when placed on the exposed Pleistocene uplands and designed so that they will not adversely affect the migration of valuable wetland species due to potential sea level rise. They shall not encroach onto the Recent surface.
- 9) Any mitigation for a coastal use within the EMU shall first be evaluated for implementation within the EMU. However, if this is not practical the mitigation measures shall remain within the parish.
- 10) Comprehensive wetlands conservation plans shall be prepared for selected wetlands, such as the area south of U.S. 190 and between Cane Bayou and Bayou Lacombe.
- 11) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized

excavations.

- 12) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 13) Surface alterations shall be designed so that they do not degrade the ground or surface water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of impervious surfaces, and incorporate urban construction, agriculture, and silvaculture, best management practices (including sediment and erosion control, stormwater management and septic system installation and operation) to the maximum extent practicable.
- 14) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 15) Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.
- 16) The LCP Administrator shall work with landowners to investigate the practicality and feasibility of initiating a wetlands conservation program for their holdings. The parish shall investigate possible funding mechanisms, such as tax incentives or impact fees, for assisting landowners in initiating and maintaining a federal and state permitted wetlands management plan.
- 17) Dams, plugs, and spoil banks constructed as a result of the coastal program shall be maintained by the individual or company responsible for the dredging.
- 18) All new pipeline canals shall use push ditch method of channel construction and backfill the pipeline channel. Plugs shall be placed near the mouth of the pipeline channel and backfilled 50 ft in front and 50 ft in back of the plug (100 ft total plus the plug).
- 19) Vegetation, or other innovative techniques to stabilize eroding shorelines shall be used to the maximum extent practicable rather than hard surface practices, such as bulkheads or seawalls.
- 20) Mineral extraction shall use board roads to the maximum extent practical. These roads shall have a minimal adverse impact on

hydrologic circulation through the installation of bridges over channels and periodic spacing of culverts. The embankments within the wetlands shall be removed after activities cease if this is the best management practice for the place and time.

- 21) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.
- 22) Permits issued for activities that require dredge and fill or maintenance shall make positive uses of spoil by either retarding salt water intrusion, protecting the eroding shorelines, creating wetlands, or diversifying habitat. Spoil shall not be randomly or haphazardly deposited in wetlands or open water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish and shellfish, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct.

4. Pearl River Basin and Delta EMU (PMSA EMU 25)
 - West - I-10, U.S. Hwy 190, U.S. Hwy 90
 - North - I-10
 - East - Mississippi State Line
 - South - Rigolets shoreline and Lake Borgne shoreline

a. **Goals for Pearl River Basin and Delta EMU (PMSA EMU 25)**

- 1) Protect and conserve the environmental quality of the EMU.
- 2) Protect the cypress swamps and diversity of habitat within the river basin and the delta.
- 3) Work closely with the Louisiana Department of Wildlife and

Fisheries to enhance the wildlife areas of the EMU.

- 4) Encourage the acquisition of additional swamps and marshes for incorporation into the state wildlife system.
- 5) Encourage the more intensive economic activities to take place on those lands suited for development.
- 6) Encourage the mineral extraction that does take place to be done in an environmentally sound manner that minimizes adverse impacts on the wetlands and water bodies of the EMU.
- 7) Encourage camp owners to install sanitary facilities that do not contribute to the degradation of the wetlands or water bodies.

b. Policies for Pearl River Basin and Delta EMU (PMSA EMU 25)

- 1) All general policies which apply to the St. Tammany Parish coastal zone shall be in effect unless modified in consideration of special conditions that prevail in this EMU.
- 2) Permits issued for activities that require dredge and fill or maintenance shall make positive uses of spoil by creating wetlands or diversifying habitat. Spoil shall not be randomly or haphazardly deposited in wetlands or water bodies so as to have a net degradation on wetland values, adversely impact hydrologic flow, impede migration of fish and wildlife, or destroy cultural resources. When it is necessary to dredge, spoil shall be treated as a resource and not discarded as a useless byproduct. However, activities requiring dredge and fill shall be discouraged to the maximum extent practicable.
- 3) Existing transportation systems (roads, pipeline rights-of-way, waterways), development corridors, and entry points shall be used to the maximum extent practicable when accessing or traversing the river or the wetlands.
- 4) Development shall be encouraged on the Pleistocene uplands and lands above five feet mean sea level or on fastlands within the EMU. Development in other areas shall be limited to development corridors as long as it does not adversely impact the adjacent wetlands or water bodies and will not suffer repetitive flood damage.
- 5) Well designed coastal water dependent uses that do not degrade the water quality of the EMU shall be encouraged in those areas suitable

for their development.

- 6) There shall be no illegal dumping of solid, liquid, or hazardous wastes in this EMU.
- 7) Shoreline vegetation along lakes, canals, or natural water courses shall be protected to retard erosion and enhance water quality.
- 8) Any mitigation for a coastal use within the EMU shall be evaluated first for implementation within the EMU. If this is not practical, however, the mitigation measures shall remain within the parish.
- 9) Cultural resources shall not be used as sources of shell or fill nor be covered by dredged material. These are valuable nonrenewable resources that shall be aggressively protected from unauthorized excavation.
- 10) Abandoned shoreline structures (piers, docks, moorings, pilings, etc.) that affect public health and safety or result in adverse environmental impacts shall be removed by the owner when no longer needed.
- 11) Surface alterations shall be designed so they do not adversely affect (degrade) the water quality of the project area or adjacent areas. All surface alterations shall minimize removal of natural vegetation and the use of impervious surfaces, and incorporate urban construction, agriculture, and silvaculture, best management practices (including sediment and erosion control, stormwater management and septic system installation and operation) to the maximum extent practicable.
- 12) Construction activities shall use the minimum area feasible. Measures shall be taken to eliminate sediment runoff by erosion, to prevent discharge of hazardous or toxic materials into adjacent areas, and to prevent accumulation of solid wastes. Sites shall be cleaned of pollutants after construction and during occupation.
- 13) Revegetation of disturbed areas will use native species and rely on the parish tree ordinance for guidance.
- 14) Mineral extraction shall use board roads to the maximum extent practical. These roads shall have a minimal adverse impact on hydrologic circulation through the installation of bridges over channels and periodic spacing of culverts. The embankments within the wetlands shall be removed after activities cease if this is the best management practice for the place and at the time.

- 15) Riprap, vegetation, or other innovative techniques to stabilize eroding shorelines shall be used rather than hard surface practices, such as bulkheads or seawalls.
- 16) Directional drilling from existing canals is an important alternative when evaluating extraction of resources and shall be given serious consideration.
- 17) Water dependency is a critical consideration in the determination of whether or not to issue a permit. Mitigation for projects takes place in the following sequence: avoidance, minimization of impacts, restoration of the project area, and enhancement of the natural values of the parish. For those unavoidable impacts, compensation will be made relative to the functional value of the habitat lost. The determination of value will be based on procedures being used by the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service. Compensation will first be considered on site. If this is not possible, then compensation shall be within the same ecological system and in the same watershed. Shall suitable projects not be possible, consideration will be given to similar ecological systems within the same EMU and finally within the parish. A system for monitoring the project shall be developed at the time of the permit decision.

The delineation of the Parish Coastal Zone into Environmental Management Units (EMU) shall be utilized by the LCP Administrator and the LCP Advisory Committee in the decision to approve, approve with modification, or otherwise conditionally approve, or deny a CUP for a use of local concern. EMU policies as set forth in the St. Tammany Parish Coastal Zone Management Plan are to be used as guides, by both applicant and the parish.

- F. SPECIAL MANAGEMENT AREAS - Areas within the Coastal Zone which have unique and valuable characteristics, such as beaches, barrier islands, shell deposits, salt domes, or formations containing deposits of oil, gas or other minerals; historical or archaeological sites; corridors for transportation; industrialization or urbanization, and other such characteristics, all as more particularly set forth in R.S. 49:214.29 A, may require special management procedures. Such areas may be designated as special management areas in accordance with the procedure established by the Secretary and the Coastal Zone Management Plan, and when so designated shall mandate special considerations for the issuance of the CUP therein.

3.7 Term of Permits

- (1) Permits issued under this section shall remain in effect for a period of one (1) year from the date of issuance. If the designated use has not been initiated within the time period, the permit shall automatically be voided. If the designated use involves construction, and said construction is commenced within the one (1) year period, it must be completed not later than three (3) years from

the date the permit was issued.

- (2) A local coastal use permit may be renewed if the LCP Administrator is satisfied that substantial progress has been made on said project or that the permittee has been precluded from acting by non self-induced litigation, material shortages, labor problems, or other events beyond the permittee's control.

3.8 Conditions of Permit

- (1) By accepting the Local Coastal Use Permit, the Applicant agrees to:
 - a. carry out or perform the use in accordance with the plans and specifications approved by the LCP Administrator.
 - b. comply with any permit conditions imposed by the LCP Administrator.
 - c. adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the LCP Administrator, it proves to be beyond the scope of the use as approved, or is abandoned;
 - d. provide, if required by the LCP Administrator, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the permitting body determine it necessary;
 - e. hold and save the State of Louisiana, the St. Tammany Parish Police Jury and police jurors individually, government, the Department of Development, the LCP Administrator and their officers and employees harmless from any damage to persons or property which might result from construction, maintenance, and operation of the permitted use.
 - f. certify that any permitted construction has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the LCP Administrator. The LCP Administrator may, when appropriate, require such certification be given by a registered professional engineer.
- (2) The LCP Administrator may place such other conditions on the permit as are appropriate to ensure compliance with the Coastal Zone Management Plan.

3.9 Appeals

- (1) Any interested person shall first appeal to the St. Tammany Parish Council the decision of the LCP Administrator to issue, or not, a Local Coastal Use Permit. Said appeal shall be made within ten (10) days from the date of the written statement prepared by the LCP Administrator required by section 3.6, I.(A) hereof, shall be in writing, shall set forth the factual and, if applicable, the legal basis for the appeal, and shall be signed by the person initiating the appeal. The act of signing the appeal shall constitute a certification that said appeal has been made in good faith, with just cause, and not for

the purpose of delay.

- (2) A hearing on the appeal shall be held at the first available Parish Council meeting affording adequate time to meet all public notice requirements, subsequent to the filing of a valid appeal in proper form. Notice of the date and time of the appeal hearing shall be sent, at least ten (10) days in advance of the hearing to the applicant and all interested persons. Notice of the appeal hearing shall be given by publication in the official journal of the parish not less than five (5) days prior to the hearing. The hearing shall be conducted in accordance with the procedure established by the Council for other such appeal hearings. The decision of the LCP Administrator may be reversed, or modified, only by the affirmative vote of 2/3 of the members present at the meeting. Written notice of the decision shall be sent within seven (7) days of the hearing to the applicant and party appealing, if different than the applicant, by certified mail return receipt requested and published one time in the official journal of the Parish.

3.10 Modifications

- (1) The terms of conditions of a permit may be modified to allow changes in the permitted use, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the use will be in conformity with the coastal management program. Changes which would significantly increase the impacts of a permitted activity shall be processed as new applications for permits pursuant to Section 3.3, not as a modification.
- (2) A permit may be modified upon request of the permittee:
 - a. if mutual agreement can be reached on a modification, written notice of the modification will be given to the permittee.
 - b. if mutual agreement cannot be reached, a permittee's request for a modification shall be considered denied.

3.11 Monitoring - The LCP Administrator shall be responsible for monitoring progress of all permitted uses and compliance with regulations accompanying permit approval. In addition, the LCP Administrator shall be responsible for monitoring all activities within the coastal zone for compliance with this Ordinance. This will include on-site inspections to verify compliance, and following up reports for each permitted project.

3.12 Emergency Permits - The LCP Administrator may allow emergency permits to be granted where public safety is endangered or in situations requiring immediate action to protect the general welfare of St. Tammany Parish's citizens in accordance with Section 2.6.3 of this Ordinance. This action shall include consultation with the Louisiana Department of Natural Resources and will be permitted only in those cases which cannot be remedied by normal permit process.

3.13 Suspensions

- (1) The LCP Administrator may suspend a permit upon a finding that:

- a. the permittee has failed or refuses to comply with the terms and conditions of the permit or any modifications thereof, or
- b. the permittee has submitted false or incomplete information in his application or otherwise, or
- c. the permittee has failed or refused to comply with any lawful order or request of the LCP Administrator or the Secretary.

(2) The LCP Administrator shall notify the permittee in writing that the permit has been suspended and the reasons therefor and order the permittee to cease immediately all previously authorized activities. The notice shall also advise the permittee that he will be given, upon request made within ten (10) days of receipt of the notice, an opportunity to respond to the reasons given for the suspension.

(3) After consideration of the permittee's response, or, if none, within 30 days after issuance of the notice, the LCP Administrator shall take action to reinstate, modify, or revoke the permit and shall notify the permittee of the action taken.

3.14 Revocation - If, after compliance with the suspension procedures in Subsection 3.13 above, the LCP Administrator determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.

3.15 Enforcement - If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the LCP Administrator shall seek appropriate civil and criminal relief as provided by R.S. 49:214.36.

3.16 Penalties - Violation or failure to comply with the provisions of this Ordinance or the terms or conditions of any coastal use permit shall be punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), or ninety (90) days imprisonment, or both. Each day for which the violation continues shall constitute a separate offense.

SECTION 4: PERMIT FOR USES OF STATE CONCERN

Applications for uses of state concern can be made at the Department of Development, Covington and/or Slidell, or at the Coastal Management Division, Department of Natural Resources, Baton Rouge, Louisiana. If the project is determined by the Local Coastal Program Administrator to be a use of state concern, the application and rationale for the decision shall be forwarded to the Coastal Management Division, Department of Natural Resources (CMD/DNR). If CMD/DNR determines an application is a use of local concern, it shall forward the application to the parish within two (2) working days of receipt thereof. If the determination is that the project is a use of state concern, the application shall be processed according to the State Rules and Procedures.

SECTION 5: NON-CONFORMING USE AND MAINTENANCE

5.1 Definition and Classification

- (1) Individual specific uses legally commenced or established prior to the January 1, 1979 and continued from that date shall not require a coastal use permit.
- (2) Normal repairs and the rehabilitation, replacement, or maintenance of existing structures shall not require a coastal use permit, provided that:
 - a. the structure or work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement, or maintenance;
 - b. the repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work;
 - c. the repair or maintenance does not involve dredge or fill activities; and
 - d. the repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.
- (3) This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of this Ordinance.
- (4) Coastal Use Permits will normally authorize periodic maintenance, including maintenance dredging. All maintenance activities authorized by Coastal Use Permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in the applicable Coastal Use Permit, it shall conform to this section.

5.2 General Coastal Use Permits

- (1) General
 - a. The LCP Administrator may, after compliance with the procedures set forth in Section 2.6, Subsection 3.4 (General Permits) above, issue general permits for certain clearly described categories of uses requiring coastal use permits. After the general permit has been issued, individual uses falling within those categories will not require individual permit processing unless the LCP Administrator determines, on a case by case basis, that the public interest requires full review.
 - b. General permits may be issued only for those uses that are substantially similar in nature, that cause only minimal adverse impacts when performed separately, that will only have minimal adverse cumulative impacts and that do not impair the fulfillment of the objectives and policies of the coastal management program.
- (2) Reporting
 - a. Each person desiring to commence work on a use subject to a general permit must give notice to the LCP Administrator and receive written authorization prior to commencing

work. Such authorization shall be issued within 30 days of receipt of the notice.

- b. Such notice shall include:
 - i. The name and address of the person conducting the use,
 - ii. Such descriptive material, maps, and plans as may be required by the LCP Administrator for that general permit.

(3) Conditions of general permits

- a. The LCP Administrator shall review the permit, and make a recommendation to the Coastal Management section of the Louisiana Department of Natural Resources. Upon approval by the Secretary, the LCP Administrator shall make a determination on the general permit. The proposed actions shall be monitored monthly to insure compliance with the local Ordinance.
- b. The LCP Administrator shall prescribe such conditions for each general permit as may be appropriate.
- c. A general permit may be revoked if the LCP Administrator determines that such revocation is in the public interest and consistent with the coastal management program.

SECTION 6: SCOPE OF COVERAGE

The provisions of this Ordinance apply only to uses of local concern as prescribed by Act 361 of the Louisiana State Legislature, 1978, as amended, State and Local Coastal Resources Management Act. All issues of state concern as prescribed by said Act shall be directed to the appropriate state agency by the LCP Administrator as provided in Section 4 hereof.

SECTION 7: VARIANCE

(DELETED - See 3.6,II.,A.,8. - SCLRMA Guideline 1.8)

SECTION 8: SEPARABILITY CLAUSE

If any section, subsection, paragraph, sentence, or phrase of this Ordinance shall, for any reason, be held to be unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall continue in full force and effect.