

Louisiana State Wetland Program Summary



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Section A. Quick View

Description of State's Wetlands

Palustrine wetlands, which include swamps, scrub-shrub, wetlands, nontidal and tidal fresh marshes, and ponds, are the most common wetlands in Louisiana. The most common palustrine wetlands are swamps (forested wetlands), which contribute about 59 percent of the State's wetlands. Coastal wetlands consist mostly of salt marshes (estuarine emergent wetlands).

State Definition of Wetlands

Louisiana Coastal Management Regulations define "wetlands" in the state's coastal zone to include "open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions." However, it should be noted that the Rules and Procedures for Mitigation section of the state's Coastal Management Regulations exclude "fastlands and lands more than five feet above mean sea level which occur within the designated coastal zone of the state." This same definition is used for Louisiana's freshwater wetlands.

Historic Wetland Loss/Gain

Original Wetland Acreage	Remaining Wetland Acreage	Acreage Lost	% Lost
16,194,500	8,784,200	7,410,300	46%

Primary State Wetlands Webpage

CWPPRA Collaborative Wetlands Management Webpage

<http://lacoast.gov/new/default.aspx>

USGS National Wetland Research Center

www.nwrc.usgs.gov

State Wetland Program Plan

Louisiana does not have a state wetland program plan.

No Net Loss/Net Gain Goal

Louisiana’s Statewide Conservation Plan requires no net loss.

State Resources for Wetland Work

State Name	Core element #1: Regulation	Core Element #2: Monitoring and Assessment	Core Element #3: Wetland Water Quality Standards	Core Element #4: Voluntary Wetland Restoration
Agency	Louisiana Coastal Program	LA Department of Environmental Quality (401 Program	LA Department of Environmental Quality (401 Program	Coastal program and Restoration Authority
Source	NOAA Coastal Program Funds (50% fed/50% state)	Unknown	Unknown	Unknown
Amount	\$3.5 million	Unknown	Unknown	Unknown
FTE	49 FTE (interagency)	Small % of two staff positions	Small % of two staff positions	Unknown
Agency	LA Department of Environmental Quality (401 Program)			CPRA
Source	Unknown			Unknown
Amount	Unknown			Large amount
FTE	Unknown			Unknown

State Permitting Fees

State Permitting Fee	State Name
Yes/No	YES
Amount (range)	\$20-\$5,000; Mitigation processing fees vary by the acreage of impacted vegetated wetlands and other coastal resources. The mitigation processing fees range from \$50 to \$15,000.
Agency	Department of Natural Resources

Innovative Features

- The Louisiana Coastal Program is one of the oldest and most robust coastal programs in the country.
- A coastal wetland resources act, which focuses upon restoration has been adopted, along with a state coastal wetland restoration plan.

- Louisiana has both a mitigation bank statute and a statute requiring beneficial use of dredged material from navigation channels. This has been amended to also allow payment to an in lieu fund as well.
- The Louisiana Oil Spill Coordinator's Office, the Louisiana Natural Resource Trustee agencies (including DNR), and NOAA have developed a regional restoration plan concept for use in the Natural Resource Damage Assessment process.
- Strong coordination between Office of Coastal Management, Corps, Department of Environmental Quality (formal agreement)

Models and Templates

See above.

Section B. Regulation

How are Wetlands Regulated in Louisiana?

Louisiana regulates coastal wetlands through a combined state/local wetland permitting process. Louisiana does not regulate wetlands outside of the designated Louisiana Coastal Zone (LCZ). In addition to protections offered under §401/404 of the Clean Water Act (CWA), Louisiana protects coastal wetlands under the State and Local Coastal Resources Management Act. 401 Water Quality Certification is carried out by the Louisiana Department of Environmental Quality (DEQ). This authority is Louisiana's only state-wide regulatory authority over wetlands. In Louisiana, five categories of activities require §401 certification. These include: oil and gas activities, commercial projects, private non-profit projects, residential development, and government (municipal) projects. The agency also references the state's water quality management plan to make certification decisions within a basin-by-basin framework. LDEQ issues a joint public notice on §401 certifications with the four local Corps districts.

Wetlands in the coastal zone are regulated by the LDNR-OFFICE OF COASTAL MANAGEMENT or delegated local governments. LDNR's Office of Coastal Restoration and Management is responsible for the maintenance and protection of the state's coastal wetlands. LDNR's Office of Coastal Management is the regulatory authority for coastal wetlands in Louisiana, while the Permits and Mitigation Division and the Interagency Affairs and Field Services Division are responsible for wetlands protection, restoration, planning, and monitoring efforts.

Louisiana State and Local Coastal Resources Management Act (La. R.S. 49:214.21 et. seq.) has the goal to protect, develop, and where feasible, restore or enhance the resources of Louisiana's coastal zone. The Act, as amended in 1989, establishes the Louisiana Coastal Resources Program (LCRP), which includes a Coastal Use Permit (CUP) program to help ensure the management and reasonable use of resources within the Louisiana Coastal Zone (LCZ). The LCZ is defined by the Act with referral to certain roads and canals. Special areas in the LCZ with unique and valuable characteristics requiring special management procedures may be designated under the Act. Although the CUP program is implemented by the LDNR - OFFICE OF COASTAL MANAGEMENT's Louisiana Coastal Resources Program, the Act includes a provision allowing. Due to Coastal Zone Management Act consistency provisions, a §404 permit cannot be issued for impacts in the LCZ until an applicant receives an approved CUP from the OFFICE OF COASTAL MANAGEMENT. An online joint permit application is available for CUP and §404 permits, and 60 percent of permit applicants use this system

The Louisiana Coastal Wetlands Conservation Plan (LCWCP) was adopted pursuant to Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) in 1997. The Act created the Wetlands Conservation and Restoration Authority and Wetlands Conservation and Restoration Fund, which provided revenue from oil and gas for wetland restoration efforts in Louisiana. The LCWCP boundary is slightly different than the Coastal Zone Boundary although the two are largely coincident. Louisiana's Coastal Restoration Program is carried out by the Governor's Office of Coastal Activities and the Coastal Restoration Division (CRD) of DNR. This program is non-regulatory and has two basic parts - the state restoration program and state participation in CWPPRA. Both parts are subject to the policy guidance established by the "Coast 2050 Plan" to restore the Louisiana coast.

Additionally, through Louisiana's Submerged State Lands Statute (La. Rev. Stat. Ann. ## 41-1701-1714) the State Lands Office of the Division of Administration issues permits and leases for construction activities or reclamation of state-owned submerged lands.

Wetland Delineation

Delineation Guidance	Yes	No	Detail
Use State's Own Method	X		LA uses their own methodology to delineate coastal wetlands (The Wetland Value Assessment used in the CWPPRA)
Use Corps' 1987 Manual and Regional Supplement	X		
Other (Please describe)		X	

Evaluation Methodology

The *Wetland Value Assessment* methodology used in CWPPRA is used by the Louisiana Coastal Resources Program (LCRP).

Exempted Activities

Louisiana's exemptions are different from the federal exemptions. Exemptions to the State and Local Coastal Resources Management Act are in state statute and include areas in current use such as agriculture and forestry, construction of a residence or camp, repairs of existing structures, activities on certain "fastlands", and areas 5 feet above sea level (unless they have direct and significant impact on coastal waters). "Fastlands" refer to areas enclosed by levees or other land features (most are urban; they are not tidal features).

Exemptions pursuant to the leasing requirements of the State Lands Office (related to the Submerged State Lands statute) include piers, wharves, levees, and flood control structures, temporary structures, duck blinds, shore or bank stabilization works, any highway-related project, activities related to state mineral leases, pipeline rights of way, and commercial and non commercial wharves or piers less than 50 linear feet

Special Provisions for Agriculture and Forestry

Exemptions for agriculture and forestry are comparable to federal exemptions and apply only to areas currently in such use. Land use changes involving new agricultural or forestry activities would not necessarily be exempt.

Penalties and Enforcement

Louisiana Coastal Resources Program (LCRP) has an administrative fines system as well as access to civil and criminal penalties through the court system. Under Louisiana statute, permit infractions may result in cease and desist orders; suspension, revocation or modification of Coastal Use Permits (CUPs); or injunctive, declaratory, or other actions. Violators may be issued a fine of between \$100 and \$500, jail time of up to 90 days, or both. There is also an administrative fine system, which allows a willing party to resolve an enforcement issue with the payment of a fine that is determined by a formula. There is also the option to go through the local district attorney.

Permit Tracking

- Office of Coastal Management maintains an extensive database system, PermitTrak, to track all Coastal Use Permits (CUPs), consistency applications, compliance and enforcement actions, and local programs.
- The Louisiana Department of Environmental Quality (LDEQ) maintains a records tracking system called Electronic Document Management System (EDMS), which is accessible to the public. Since 1998, all §404 permit components have been included in the database.

State General Permit (statewide vs. regional coverage)

Permit Coverage	Yes	No	Detail (Type of Permit)
Regional General Permit	X		Within the coincident boundaries of the New Orleans District Corps of Engineers and the LCZ.
Statewide General Permit		X	

Description: There is a programmatic general permit within the coincident boundaries of the New Orleans District Corps of Engineers and the Louisiana Coastal Zone (LCZ). Uses subject to the PGP are separated into two processing categories based on impacts. Category I uses cannot impact greater than 0.5 an acre of special aquatic sites. LDEQ has issued blanket water quality certification for Category I uses.⁴⁵ Category II uses not related to oil and gas may impact no more than 2.0 acres of tidal or 3.0 acres of non-tidal special aquatic sites, while oil and gas related activities may impact no more than 3.5 acres of tidal or non-tidal special aquatic sites. Category II permits only apply for projects within the Corps' New Orleans District jurisdiction and within the LCZ. Category II activities have not been granted water quality certification by LDEQ.

Assumption of 404 Powers

Assumption Status	Yes	No	Detail
Assumed		X	
Working Toward Assumption		X	
Explored Assumption	X		The DNR investigated 404 assumption under a U.S. Environmental Protection Agency grant but has elected not to pursue it at this time. Explorations were conducted in the 1990s and in 2009. However, restrictions in assumption would keep the state from being able to regulate all wetlands; additionally, there was not enough money to implement such a large program.

Joint Permitting

The Office of Coastal Management of the DNR, the New Orleans District Corps of Engineers, and the Office of Water of the DEQ together have a joint public notice agreement. All applications come to the OCM and are sent to the Corps. The state also has a joint public notice agreement with the Corps.

Public notices for activities in the coastal zone which require Coastal Use Permits, Section 404 and Section 10 Permits, and state Water Quality Certifications, respectively, are all published in the Joint Public Notice mail out. Further, all applications are submitted to the Office of Coastal Management of the DNR for distribution to the appropriate agencies.

Special Area Management Plans and Advanced Identification Plans

Louisiana does not have any Special Area Management Plans (SAMPs); however, the state may designate special use zones within the broader coastal zone. Two are in place, the Louisiana Offshore Oil Port and the Marsh Island Wildlife Management Area and Game Reserve.

Buffer Protections

None.

Mitigation Policy

LDEQ does not require mitigation for §401 certification above that required by the Corps under a §404 permit. However, state statutes and regulations address mitigation for impacts to wetlands in the LCZ. State law (La. R.S. 49:214.41) requires Office of Coastal Management to obtain adequate mitigation for any impacts to vegetated wetlands. In 1990, the Office of Coastal Management was directed by the Louisiana Legislature to require compensatory mitigation for unavoidable habitat impacts associated with Coastal Use Permits with the enactment of Acts 1040 of 1990, (R.S.49:214.41) and pursuant to this statute, the Rules and Procedures for Mitigation (LAC 43:1.724) were promulgated in August of 1995 to set in rule the procedure that was developed to implement this requirement. The state's coastal use permitting program must maintain a "no-net loss" of coastal wetlands due to permitted activities in order for the state to maintain the 85% / 15% cost-share agreement for Coastal Wetlands Planning Protection and Restoration Act (CWPPRA) program for coastal restoration projects.

Unavoidable net losses to wetlands are measured in Average Annual Habitat Units (AAHUs). An AAHU is defined as a unit of measure of ecological value. Wetland losses resulting from a project are quantified in AAHUs using the appropriate Wetland Value Assessment (WVA) model. The WVA uses site specific parameters in the calculation of the compensatory mitigation obligation. Ecologically "poor" sites will have fewer AAHUs per acre than ecologically "rich" sites which would yield higher AAHUs. Construction of an individual mitigation project or the purchase of credits from a mitigation bank, either of which that generates more AAHUs per acre than needed to replace the AAHUs impacted, may result in the need for fewer mitigation acres than were impacted and vice versa. Net gains in AAHUs resulting from a compensatory mitigation action must equal the AAHUs lost.

The state has added an in lieu fee program. The state has just completed amendments and approved the program.

Mitigation Database

Louisiana has a GIS-based tracking system to account for losses and gains. It is used to document compliance with the Conservation Plan and in the Office of Coastal Management's performance-based budgeting process.

Section C. Monitoring and Assessment

Agency Responsible for Wetland Monitoring and Assessment

Louisiana does not have a wetland monitoring program specific to wetlands outside of the Louisiana Coastal Zone. However, CWPPRA has a very large coastal reference monitoring program (<http://www.lacoast.gov/crms2/Home.aspx>) that includes monitoring and assessment of wetlands in the coastal area. Wetland water quality is assessed by the LDEQ as part of the overall water quality assessment and conditions are reported in the state's 305(b) report.

Mapping/Inventory

Wetland maps have been developed for the entire coastal zone, but not for the entire state. An extensive Geographic Information System with permit data and habitat/infrastructure overlays is also in place. The Office of Coastal Management uses Cowardin maps. The Office of Coastal Management, U.S. Geological Survey, and other agencies arrange for a full aerial photographic flight of the Coastal Zone every 3 to 4 years. The agencies involved in coastal restoration have done several status and trends reports. The state also has GIS maps with permitting data.

State Wetland Mapping Public Portal

Louisiana's Coastal Wetlands Planning, Restoration and Protection Act managing partners provide public access to maps, aerial photography, land change information and hurricane information center maps via the following online public portal: <http://lacoast.gov/new/Pubs/Maps.aspx>

Louisiana DNR GIS Download Website
<http://sonris-www.dnr.state.la.us/gis/dnld/download.html>

Wetland Classification and Assessment

Louisiana uses the Cowardin classification system for wetlands.

Statewide Wetland Monitoring Plan

Louisiana does not have a statewide wetland monitoring plan; however the state does have an extensive plan for the coastal area.

Overall Wetland Gain and Loss Tracking System

The state tracks wetlands lost to permitted uses, wetlands created for mitigation of permitted coastal uses; wetlands created by coastal restoration projects; and wetlands created by the Wetland Reserve Program.

Wetland Monitoring and Assessment Characteristics

For more information on coastal monitoring and assessment, please contact the Louisiana Coastal Protection and Restoration Authority (CPRA).

Level	None	Level 1	Level 2	Level 3
<i>Louisiana</i>		Information Not Available	Information Not Available	Information Not Available

Type	None	IBI	Conditional	Functional
<i>Louisiana</i>		Information Not Available	Information Not Available	Information Not Available

Frequency	None	Project Specific	Ongoing
<i>Louisiana</i>		Information Not Available	Information Not Available

Participation in National Wetland Condition Assessment

NWCA Study Type	Yes	No
National Study	X	
State Intensification Study		X

Section D. Water Quality Standards

For more information about state water quality standards, contact the Louisiana Department of Environmental Quality.

Wetland and Water Quality Standards

Type	None	Use Existing WQ Standards	In Process	Adopted	Future Direction
Wetland-specific Designated Uses		X			
Narrative criteria in the standards to protect designated wetland uses		X			
Numeric criteria in the standards based on wetland type and location to protect the designated uses		X			

Anti-degradation policy includes wetlands		X?			
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Section E. Voluntary Wetland Restoration

Types of Wetland Restoration Work Funded by the State:

Type of Work	YES	NO	Description
Fund Wetland Restoration (may include easement agreements)	X		
Private Land Restoration	X		
Public Land Restoration	X		
Technical Assistance	X		
Tax Incentives		X	
Other	X		Some programs where they are restoring eroded lands (could affect mineral rights)

Voluntary Wetland Restoration Program Components

For more information about coastal wetland restoration work, contact the Coastal Restoration and Protection Authority (CPRA).

Wetland Restoration Efforts	Nothing in the Works	Planning	In Progress	Mature/Complete
Program has a set of restoration goals	Information needed			
Coordinate with relevant agencies that outline restoration/protection goals and strategies and timeframes	Information needed			
Developed multi-agency body to coordinate restoration/protection efforts	Information needed			
Set restoration goals based on agency objectives and available information	Information needed			

Goals for Restoration Projects

For more information about coastal wetland restoration goals, contact the Coastal Restoration and Protection Authority (CPRA).

Goal	Yes	No	Description
No Net Loss	Information needed		
Reverse Loss/Net Gain	Information		

	needed		
Nonpoint Source Pollution (NPS)/WQ	Information needed		
Total Maximum Daily Load (TMDLs)	Information needed		
Habitat	Information needed		
Coastal Protection	Information needed		
Floodwater Protection	Information needed		
Groundwater	Information needed		
Other (please describe)	Information needed		

Landowner Guides and Handbooks to Assist with Voluntary Wetland Restoration Efforts

None. Contact CPRA to determine if there are any additional resources from their program.

Section F. Innovative and/or Highly Effective Education and Outreach

The *America’s WETLAND* public education campaign focuses on issues related to Louisiana’s high rate of coastal wetlands loss. The campaign is raising awareness related to the impact of Louisiana’s wetland loss on the state, nation, and world and increasing support for efforts to conserve and save coastal Louisiana.⁹² The campaign is *privately* funded and works closely with Governor’s office on coastal activities.

The Office of Coastal Management prints coastal zone maps and makes these available to the public. This is a very popular service.

For more information about coastal outreach and education work, contact the Coastal Restoration and Protection Authority (CPRA).

Section G. Climate Change and Wetlands

The Louisiana wetland program works on resiliency issues, rather than “climate change” issues. The state works a lot with local parishes. The state is committed to work to address issues such as hurricanes – protecting, enhancing the coastline and is seeking to develop uniform building codes. Much of this work is under the area of community resiliency and floodplain management, but wetlands are involved.

Section H. Integration

Entity/Program Area	Yes/No	Description of the Connection
NPDES/Stormwater	YES	The Coastal Nonpoint Pollution Control Program works to prevent pollutants from making their way into Louisiana’s lakes, streams, wetlands, coastal waters and ground waters. The Program builds upon existing state coastal zone management and water quality programs by applying a consistent set of economically achievable management measures consisting of various Best Management Practices (BMPs) to prevent and mitigate polluted runoff. These measures are designed to control runoff from six main sources, including loss of wetlands and riparian areas
303(d)	YES	Contact DEQ for more information
305(b) reporting on wetlands	YES	Contact DEQ for more information
Total Maximum Daily Load (TMDLs)	YES	Contact DEQ for more information
Climate Change/ Resiliency	Only as resiliency work	Storm preparedness, floodplain management, uniform building codes, work with local parishes.
Land Use /Watershed planning	YES	Contact DEQ for more information
Flood/Hazard Mitigation	YES	At both the state and local levels
Coastal Work	YES	State’s primary work is in the Coastal Zone
Wildlife Action Plan	YES	CPRA works on wetland work related to wildlife and fisheries issues
Statewide Comprehensive Outdoor Recreation Plan (SCORP)	YES	Contact CPRA for more information
Other – Wildlife and Fisheries	YES	MOUS on how to conduct activities related to wetlands

State Wetland Program Continuum

Continuum Stage		Core Element 1: Regulation	Core Element 2: Monitoring & Assessment	Core Element 3: Wetland Water Quality Standards	Core Element 4: Voluntary Restoration
Mature Stage	High	X	X		X (Distributed – large coastal restoration program)
Initial Implementation Stage	↑				
Development Stage					
Early Stage	Low			X (Robust application of existing WQS to wetlands through 401)	X (Coordinated statewide program)

Section I. Contact Information

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Section J. Useful Websites

State Government Programs

1. Department of Natural Resources
 - a) Office of Coastal Management
<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=85&ngid=5>
 - i. Coastal and Estuarine Land Conservation Program
<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=103>
 - ii. Atchafalaya Basin Program
<http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=494&pnid=0&nid=273>
2. Coastal Wetlands Planning, Protection and Restoration Act
<http://lacoast.gov/new/Default.aspx>
3. Governor's Office of Coastal Protection & Restoration
<http://www.coastal.la.gov/>
 - a) Louisiana's 2012 Coastal Master Plan
<http://www.coastal.la.gov/index.cfm?md=pagebuilder&tmp=home&nid=150&pnid=0&pid=205&catid=0&elid=0>
 - b) Restoration Program Background
<http://www.coastal.la.gov/index.cfm?md=pagebuilder&tmp=home&pid=193>
4. Louisiana Department of Agriculture & Forestry
 - a) Coastal Wetland Re-vegetation Program
<http://www.ldaf.state.la.us/portal/DesktopModules/BrowseBy/portal/Offices/SoilWaterConservation/CoastalWetlandRevegetationProgram/tabid/303/Default.aspx>
 - b) Office of Soil & Water Conservation
 - i. Agricultural Nonpoint Source Abatement Program

<http://www.ldaf.state.la.us/portal/DesktopModules/BrowseBy/portal/Offices/SoilWaterConservation/EPAgricultureNonpointSourceAbatementProgram/tabid/304/Default.aspx>

5. Department of Wildlife & Fisheries
 - a) Louisiana Natural Heritage Program
<http://www.wlf.louisiana.gov/wildlife/louisiana-natural-heritage-program>
 - b) White Lake Wetlands Conservations Area
<http://www.wlf.louisiana.gov/refuge/white-lake-wetlands-conservations-area>
6. Department of Environmental Quality
 - a) Nonpoint Source Pollution Unit
<http://nonpoint.deq.louisiana.gov/>
 - b) Water Quality Standards & Assessment
<http://www.deq.louisiana.gov/portal/tabid/69/Default.aspx>
 - c) Total Maximum Daily Load (TMDL) Program
<http://www.deq.louisiana.gov/portal/DIVISIONS/WaterPermits/TotalMaximumDailyLoadTMDLProgram.aspx>
7. Louisiana Sea Grant
<http://www.laseagrant.org/>

Federal Government Programs

1. Coastal Wetlands Planning, Protection and Restoration Act
<http://lacoast.gov/new/default.aspx>
2. USDA Natural Resource Conservation Service
Wetlands Reserve Program
<http://www.nrcs.usda.gov/wps/portal/nrcs/main/la/programs/easements/wetlands/>

Other Organization Wetland Programs

1. Coalition to Restore Coastal Louisiana
<http://www.crcl.org/>
2. Lake Pontchartrain Basin Foundation
<http://www.saveourlake.org/>