



United States Senator

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Position Paper

**RESTORING AND PROTECTING COASTAL LOUISIANA:
*A NEW FEDERAL APPROACH***

*****DISCUSSION DRAFT*****

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Appx. A: Map of coastal area of Louisiana

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RESTORING AND PROTECTING COASTAL LOUISIANA: *A NEW FEDERAL APPROACH*

*****DISCUSSION DRAFT*****

1 SEC. 1. INTRODUCTION AND PURPOSE.

2 For decades, the people of Louisiana have been fighting a losing battle to save the most
3 productive working coast and delta in the world. This unique and culturally rich landscape is
4 positioned within a massive delta that drains 40 percent of the continental United States and
5 holds a tremendous bounty of natural and human resources. But the coast is in a state of crisis.
6 We are losing 25 to 35 square miles of wetlands per year, which places millions of lives and
7 critical national resources at alarming risk.

8 The protection and restoration of this delta and coastal Louisiana is an urgent national
9 priority, but the current Federal process for addressing this dramatic ecological and economic
10 crisis is woefully inadequate and painfully slow. The best of plans and projects are held up by
11 the interminable process of planning, authorizations, complex regulations and insufficient and
12 unreliable funding. In order to reform this broken system, provide a new approach, and establish
13 a reliable and trusted partner for the State of Louisiana, a new Federal Approach to Restoring
14 and Protecting Coastal Louisiana is needed.

15 This new approach depends on a long-term vision coupled with a comprehensive
16 planning mechanism and effective implementation. Improvements in flood protection strategies
17 are essential to avoid the total collapse of the South Louisiana ecosystem. Recognizing the
18 national urgency involved, and the need for leadership and accountability, it requires focused

1 leadership at the highest levels. In 2006, the State of Louisiana adopted a comprehensive master
2 plan for its coast entitled “Integrated Ecosystem Restoration and Hurricane Protection:
3 Louisiana's Comprehensive Master Plan for a Sustainable Coast.” This master plan should be
4 the basis for a coordinated Federal-State action plan covering flood control, navigation,
5 emergency preparedness, and ecosystem restoration. The planning effort should be driven by
6 sound science, and include a robust and transparent process to collect input from communities,
7 fishing, oil and gas, agriculture, maritime, tourism and other industries, as well as the full and
8 regular coordination of all Federal, State and local government authorities.

9 On October 24, 2009, and January 31, 2010, U.S. Senator Mary L. Landrieu convened a
10 broad cross-section of stakeholders to discuss the future protection, restoration and conservation
11 of our fragile coast. The participants received briefings on the Dutch-based water institute named
12 Deltares, a summary of past and present federal coastal laws and programs, and the current status
13 of coastal activities at the state level. These presentations led to a facilitated group discussion of
14 the strengths and weaknesses of the status quo of federal and state approaches to coastal
15 protection and restoration, specific obstacles to project implementation, as well as potential
16 solutions or new models for comprehensive coastal protection and restoration in Louisiana. The
17 group focused on reducing bureaucratic obstacles and delays to implementation. Further, the
18 consensus reached by this group centered on the establishment of a new model for governance,
19 planning, applied science and expedited implementation in coastal Louisiana.

20 This group concluded that the policy of the Federal Government should be to stop the
21 deterioration of the Louisiana coastal ecosystem and, to the maximum extent feasible, restore
22 degraded areas of the coast, while protecting against flooding and maintaining the navigability of

1 the lower Mississippi River. The group also agreed that this restoration and protection should
2 utilize practices that are sustainable over the long term.

3 To implement this policy, the purpose of a new Federal approach should be:

4 (a) to advance the design, implementation and construction of coastal protection,
5 restoration and integrated water management for coastal Louisiana on a comprehensive
6 scale;

7 (b) to establish a strong Federal-State partnership to govern coastal protection and
8 restoration in Louisiana;

9 (c) to eliminate costly delays in implementing coastal restoration and protection projects,
10 including the reduction of bureaucratic obstacles, unnecessary studies, inconsistent or
11 conflicting federal laws, policies, and regulations; and

12 (d) to ensure that planning and implementation of coastal protection and restoration give
13 balanced consideration to the diverse and complex array of activities that occur along
14 coastal Louisiana. This should include but not be limited to hurricane protection, wetland
15 restoration, navigation, agriculture, commercial and recreational fisheries, cultural and
16 historic preservation, and future land use planning.

17 **SEC. 2. IMMEDIATE PRESIDENTIAL EXECUTIVE/ADMINISTRATIVE ACTIONS, NEAR-**
18 **TERM STEPS.**

19 (a) **Create an interim coordinating authority for the Mississippi River Delta and**
20 **coastal Louisiana.** Working from the recommended actions identified by the White
21 House-led Gulf Coast Ecosystem Restoration Working Group in its March 4, 2010,
22 “Roadmap for Restoring Ecosystem Resiliency and Sustainability,” a Presidential

1 Executive Order could be issued to establish an interim entity to coordinate existing
2 Federal, State and local activities in coastal Louisiana. With a legal authority greater than
3 the established White House Working Group, this entity should begin to coordinate
4 immediate action steps and make recommendations for legislation or other long-term
5 solutions to challenges faces in the implementation of projects, programs and activities in
6 coastal Louisiana.

7 **(b) Remove Immediate Obstacles.** In addition to standing up an interim governing
8 authority for coastal Louisiana, an executive order should remove specific obstacles to
9 implementation, including but not limited to:

10 1. Requiring the Corps to implement an aggressive Beneficial Use of Dredge
11 Material program for waterways in coastal Louisiana, including a complete
12 sediment inventory of these waterways and an independent audit for all operation
13 and maintenance projects in Louisiana. This audit would identify the material
14 dredged, the location of placement, and the proximity to sites identified by the
15 State of Louisiana for need wetlands or other ecosystem restoration. Report to
16 Congress within 180 days.

17 2. Identify and inventory all ongoing Federal flood protection and ecosystem
18 restoration projects, studies or reports, and order all federal agencies to coordinate
19 on expediting these projects though efficient planning, permitting and
20 implementation. A report, submitted to Congress within 180 days, should also
21 provide an analysis of the cost and time savings opportunities associated with this
22 coordinated approach.

1 **3.** Instruct the U.S. Department of the Interior, through the Minerals Management
2 Service, to release all grants/funding for the Coastal Impact Assistance Program
3 that have been approved through a previously approved State plan.

4 **(c) Budgeting.** Direct the Office of Management and Budget to perform a detailed
5 analysis of integrated budgeting, coordinated budget requests, crosscutting-budget
6 reporting for Federal activities in coastal Louisiana as described in Section 9 of the U.S.
7 Army Corps Chief’s Report on the Louisiana Coastal Area dated January 31, 2005. This
8 analysis should also provide an accounting of funds spent in Louisiana by Federal
9 agencies in the past 15 years. Report to Congress within 180 days.

10 **(d) Recommended Near-Term Plan of Action.** The President, through an Executive
11 Action and in collaboration with the State of Louisiana, should identify and recommend
12 funding for a near-term plan of action for coastal protection and restoration in Louisiana
13 with projects to be completed within three years. This plan of action should draw from
14 the State’s comprehensive master plan for its coast entitled “Integrated Ecosystem
15 Restoration and Hurricane Protection: Louisiana’s Comprehensive Master Plan for a
16 Sustainable Coast,” as well as other federally authorized programs, project and activities
17 in coastal Louisiana.

18 **SEC. 3. ESTABLISHMENT OF NEW AND PERMANENT GOVERNING AUTHORITY TO IMPLEMENT**
19 **COASTAL ACTIVITIES IN THE MISSISSIPPI RIVER DELTA AND COASTAL LOUISIANA.**

20 The establishment of a new governing authority would serve as an entity to coordinate
21 and expedite coastal activities, not duplicate or add a layer of bureaucracy to slow an already
22 interminable Federal process. The following broad categories would make up the basic structure

1 of the new governing authority established to coordinate and implement a long-term, sustainable
2 program in coordination with the State of Louisiana and its local political subdivisions:

- 3 (a) Leadership – Federal-State Co-Chairs
- 4 (b) Geographic Area – 9 Hydrologic Basins and adjacent Mississippi River watershed
- 5 (c) Membership – Presidentially appointed Louisiana and Federal Representation, with
6 Louisiana members recommended by the Governor of Louisiana.
- 7 (d) Working-level task force
- 8 (e) Funding for Authority – Existing revenue streams not subject to annual appropriation
- 9 (f) Reporting and Congressional Oversight
- 10 (g) Compensation, Staff and Offices

11 **SEC. 4. POWERS AND DUTIES OF A NEW AUTHORITY.**

- 12 (a) The completion and approval of a Federal-State master plan for coastal protection and
13 restoration in Louisiana, utilizing all previous state and federal coastal planning work,
- 14 (b) The submission of an implementation and budgetary plan to Congressional
15 Committees of jurisdiction every five years
- 16 (c) Oversight over all federal projects, programs and activities in the coastal area of
17 Louisiana, and subsequent determinations of consistency of these activities with the
18 Federal-State master plan,
- 19 (d) The authority to hold regular public hearings,
- 20 (e) The authority to execute contracts necessary to carry out its duties,
- 21 (f) The authority to hire necessary technical staff to carry out its duties,

1 (g) The recommendation to Congress or the President of changes in federal law,
2 regulation or general policy,

3 (h) The authorization of specific coastal protection and restoration projects, programs and
4 activities in coastal Louisiana, pursuant to the approved five year plan for
5 implementation, and

6 (i) The authority to modify, streamline and accelerate existing permitting procedure and
7 timelines.

8 **SEC. 5. LEGISLATIVE MODIFICATION TO EXISTING PROJECTS, PROGRAMS, ACTIVITIES AND**
9 **FUNDING SOURCES TO BE MANAGED BY NEW PERMANENT GOVERNING AUTHORITY.**

10 There are a multitude of federal laws, regulation and policies (hereinafter “authorities”)
11 that are at work in coastal Louisiana. These authorities have been enacted over decades in the
12 attempt to manage coastal resources, protect communities from flooding, preserve the
13 environment, or facilitate economic development or commerce. Additionally, specific projects
14 and programs have been authorized by Congress to provide for flood control, ecosystem
15 restoration, navigation and other purposes in the coastal area of Louisiana. A new Federal
16 approach would include the modification and consolidation of the federal projects, programs and
17 activities within the coastal area into one programmatic authority. The proposal will also ensure
18 that previous efforts are not duplicated or inconsistent with ongoing work that is beneficial to
19 coastal Louisiana. The federal programs and activities governed by the new authority would
20 include, but not be limited to:

21 *Construction General Funding (U.S. Army Corps of Engineers)*

22 *General Investigations (U.S. Army Corps of Engineers)*

- 1 *MR&T (Mississippi River & Tributaries) (U.S. Army Corps of Engineers)*
- 2 *Operations and Maintenance (U.S. Army Corps of Engineers)*
- 3 *Continuing Authorities Program (U.S. Army Corps of Engineers)*
- 4 *Flood Control and Coastal Emergencies (U.S. Army Corps of Engineers)*
- 5 *The Coastal Impact Assistance Program (U.S. Mineral Management Service)*
- 6 *The Coastal Wetlands Planning, Protection and Restoration / Breaux Act (U.S. Army*
- 7 *Corps of Engineers)*
- 8 *The Domenici-Landrieu Gulf of Mexico Energy Security Act of 2006 GOMESA (State of*
- 9 *Louisiana / U.S. Mineral Management Service)*
- 10 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION Community Based*
- 11 *Restoration Program*
- 12 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION Restoration Research*
- 13 *Program*
- 14 *NRCS programs*
- 15 *North American Wetlands Conservation Act (NAWCA)*
- 16 *U.S. DEPARTMENT OF THE INTERIOR – National Park Service, Jean Lafitte NHP&P*
- 17 *(Operation of the NPS, Construction)*
- 18 *U.S. DEPARTMENT OF THE INTERIOR – U.S. Fish and Wildlife Service (Resource*
- 19 *Management)*
- 20 *U.S. Department of Agriculture – NRCS (Watershed and Flood Prevention Operations)*
- 21 *U.S. Environmental Protection Agency – State and Tribal Assistance Grants*
- 22 *(diversions/assimilation)*

1 *U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC*

2 *ADMINISTRATION – commercial fishery failures*

3 *U.S. DEPARTMENT OF COMMERCE, Economic Development Administration*

4 *Hurricane Protection Mitigation Funds*

5 *Harbor Maintenance Trust Fund*

6 *THE FEDERAL EMERGENCY MANAGEMENT AGENCY Mitigation Funds*

7 *THE FEDERAL EMERGENCY MANAGEMENT AGENCY Disaster Assistance*

8 *Community Development Block Grants*

9 **SEC. 6. ESTABLISHMENT OF A NATIONAL INSTITUTE FOR INTEGRATED WATER MANAGEMENT**
10 **AND COASTAL DELTAIC APPLIED SCIENCE.**

11 A new Federal model should include an independent science and engineering program
12 that drives decision making, aids in planning and implementation, addresses technical
13 challenges, and creates new technologies that can be commercialized for economic development.
14 This institute would focus on applied science and adaptive management in a coastal deltaic, as
15 well as integrated water management and land-use planning. This Institute would have potential
16 national and international applications. Further, this model would build on existing Louisiana
17 university consortia, as well as the Louisiana Coastal Area (LCA) Science and Technology
18 program and the Louisiana Applied Science and Engineering (LACES) Program. The following
19 broad categories would make up the basic structure of a national institute for integrated water
20 management and coastal deltaic applied science:

21 (a) Establishment of Water Institute for coastal Louisiana through legislation

- 1 (b) Modification of existing federal water related science research – directing federal
- 2 resources to Water Institute
- 3 (b) Coordination Louisiana-based University consortium
- 4 (c) Potential for contracting through innovative public-private partnerships with Non-
- 5 Governmental Organizations and the engineering industry
- 6 (d) Integration and Partnership with Louisiana State Applied Science Program

7 **SEC. 7. CONCLUSION.**

8 It is imperative that Federal policy and resources work together to create a sustainable
9 system that protects Louisiana coastal communities and preserves our rich natural resources.
10 Without radical reform of these Federal programs and policies, hundreds of millions of dollars
11 could be wasted and thousands of lives could be lost. This frame work outlines an aggressive and
12 bold approach to shape the future of coastal Louisiana. While the development of a new
13 approach should not slow any ongoing work to provide flood protection and coastal restoration
14 in Louisiana, this work will ultimately lead to the development of new legislation and
15 recommended executive action that will coordinate existing authorities and resources.

Southern Louisiana CWPPRA Hydrologic Basins



Data Source:
 U.S. Department of the Interior
 U.S. Geological Survey
 National Wetlands Research Center
 Coastal Restoration Field Station
 Louisiana Department of Natural Resources
 Coastal Restoration Division
 Baton Rouge, Louisiana
 Map Date: April 6, 2005
 Map ID: USGS-MRRC 2006-04-0058

New Governing Authority for the Mississippi River Delta and Coast of Louisiana

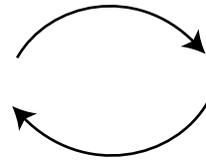


Presidentially Appointed



Institute for Integrated Water Management and Coastal Deltaic Applied Science

- independent science and engineering
- drives decision making
- aides planning / implementation
- addresses technical challenges
- commercialization component



Leadership: Federal-State Co-Chairs

Geographic Area: 9 Hydrologic Basins and adjacent Mississippi River watershed

Membership: Louisiana and Federal Representation

Authority: Robust contracting authority over federal and state programs

Staff: Executive Director with professional science and technical staff

Funding: Harness existing revenue streams not subject to annual appropriations

Oversight: Congressional Reporting mechanism and independent peer review

**FEDERAL:
Coordinated Federal Authorities**

- Louisiana Coastal Area (Corps program for coastal restoration, 2007)
- CWPPRA / The Breaux Act (Federal Task Force program for coastal restoration, 1990)
- Mississippi River Tributaries Project (MRT) (Corps flood control and navigation-Mississippi River, 1927)
- Coastal Flood Control and Navigation projects (Corps flood control and navigation projects)
- Coastal Impact Assistance Program (MMS Program for coastal restoration and protection, 2005)
- Domenici-Landrieu Revenue Sharing**
GOMESA - Offshore Oil and Gas Revenue

**STATE OF LOUISIANA:
Coastal Protection and Restoration Authority**

- Louisiana Office of Coastal Protection
- Louisiana Coastal Parishes and Municipalities
- Louisiana Coastal Levee Boards and Conservation Districts
- Coastal Impact Assistance Program
- Louisiana Coastal Trust Fund**
Restricted to Coastal Protection and Restoration



Monitoring and Adaptive Management



**IMPLEMENTATION
of Comprehensive Coastal Program**