

COASTAL ZONE MANAGEMENT IN LOUISIANA CONFERENCE
February 13-14, 1974
Prince Murat Inn
Baton Rouge, Louisiana

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Conference and Workshop Summaries

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Conference and Workshop Summaries

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Description of the Conference

The Coastal Zone Management in Louisiana Conference was held in Baton Rouge on February 13, 14, 1974 at the Prince Murat Inn. Over 280 people registered for the conference and many others were in attendance at various times. At least 16 members of the Louisiana Legislature attended various sessions.

The objectives of this conference were:

1. To provide a setting for the identification of significant coastal zone management issues in Louisiana.
2. To compare the state, regional, and federal perspectives for coastal zone management.
3. To discuss recommendations for a program of coastal zone management in Louisiana including the plan in the final report of the Louisiana Advisory Commission on Coastal and Marine Resources - Louisiana Wetlands Prospectus.
4. To provide an opportunity to register comments on the final report of the Advisory Commission.

So that these objectives might be accomplished many of Louisiana's administrative officials and legislators assisted in planning and presenting the conference.

The conference was opened with a welcome by the Conference Coordinator, Marc J. Hershman. Next, Patrick Ryan, Executive Director of the Office of State Planning, gave a brief perspective of current state efforts in coastal zone planning. State Senator Samuel B. Nunez, Jr., moderated the keynote session at which Mrs. Paul W. McIlhenny, an activist in Louisiana community affairs; "Red" Oliver of the Planning Division, Texas State Lands Office; Robert E. Schmieg of the Mississippi Marine Resources Council; and Thomas O'Neil, Director, Division of Marine Services, Department of Environmental Protection, State of New Jersey, discussed coastal zone planning from a state, regional and national perspective.

The first morning's session was concluded with a presentation of Louisiana Wetlands Prospectus, the 340 page final report of the Louisiana Advisory Commission on Coastal and Marine Resources. Lyle S. St. Amant, Chairman of the Advisory Commission moderated this presentation. Former Commissioners and previous members of the staff of the Commission participated including: Paul Templet, Charles Janvier, Donald M. Bradburn, Jack R. Van Lopik, and J. Arthur Smith, III.

The major work of the conference was accomplished in the workshop sessions held the first afternoon. The following workshops were conducted: Seafood and Wildlife, Petroleum and Industry, Urban Development-Residential, Agriculture-Forestry and Legal Aspects. Moderators and panelists of these workshops are listed in the summaries of each workshop which follows.

State Senator William D. Brown was master of ceremonies for the Wednesday evening dinner at which Governor Edwards spoke. The Governor charged the various interest groups represented at the conference to work together to produce a viable plan of coastal zone management for Louisiana. After dinner "The Billion Dollar Marsh," a documentary film on the value of coastal marshlands was shown.

On Thursday morning, the second day of the conference was begun with a panel discussion on "Directions for Louisiana's Coastal Zone" which was moderated by State Senator Robert G. Jones and State Representative Morris A. Lottinger, Jr. Panelists were Paul Mayer of the Office of State Planning, and Edgar F. Veillon, Edward W. Stagg, C. R. Brownell, Gene Wittler, and Paul M. Hebert, moderators of the five workshop sessions held the previous afternoon. After a statement from each of the panelists, comments and discussions from the floor were heard. To conclude the morning session H. Gary Knight summarized his impressions of the entire conference (these impressions are included in this summary).

Congressman John Breaux spoke at the conference luncheon. Ellen Bryan Moore, Register of State Lands, was Mistress of Ceremonies for this luncheon. Congressman Breaux described currently pending federal legislation which will directly and indirectly affect the coastal zone of Louisiana.

Sponsors for the conference were the Governor's Office, the Louisiana Legislative Council, Louisiana Sea Grant Program and the Governmental Services Institute, Division of Continuing Education, Louisiana State University. The conference was financed in part by funds from Title I of the Higher Education Act of 1965.

The Conference Steering Committee consisted of:

William D. Brown	Steve Martin	Lyle S. St. Amant
Janet Burt*	Samuel B. Nunez	Edward W. Stagg*
Victor Bussie	George Gullett*	Edward J. Steimel
Marc J. Hershman**	Clint Pray	Jack R. Van Lopik*
Morris A. Lottinger	Patrick Ryan	Donald Whittinghill*

*Program Committee

**Conference Coordinator

SUMMARY

Coastal Zone Management in Louisiana Conference

February 14, 1974

H. Gary Knight

The task assigned to me by Marc Hershman, the Conference Coordinator, was to summarize the "overall feelings of the Conference" at its conclusion. In order to do this I attended all of the general sessions and learned of the substance of the concurrent sessions through discussions with the reporters for each such session. Although it is virtually impossible to assess the "overall feelings of the Conference" because of the diversity of interests and opinions expressed, I have found it possible to identify a few major themes which seem to me to have permeated the discussion of most of the issues. These main themes, as I see them, are as follows:

(1) Something is Needed. Clearly, something is needed in the direction of coastal zone management in Louisiana. In addition to the Federal Coastal Zone Management Act of 1972, there are significant pressures on the coastal and marine system. Whether that system is fragile or durable, there is need for careful planning with respect to its use. There is no panic, however, and there is no need for ill-considered or precipitous action. What is needed is timely and appropriate action. The Commission report and this Conference are excellent starts in this direction but they are not necessarily definitive. They certainly could, however, provide the basis for action at the next session of the Louisiana legislature.

(2) The Coastal Zone is People. The coastal zone is not so much things as it is people. In his speech during the first day of the Conference, Tom O'Neill stated that people should define the goals of coastal zone management. Charles Janvier said that people are responsible for what happens in the coastal zone. Several floor speakers expressed concern over people's access to the decision making process in coastal zone management. This "people orientation" of the problem gave rise to two sub-themes, viz.: (a) people reflect an incredibly broad range of personal and vocational interests, making it extremely difficult to accommodate all of the positions and interests asserted in any given situation; and (b) there is great concern over the role to be played by the individual, particularly through local government, in the decision making process; many commentators felt that the role of local government was insufficiently defined in the Commission's recommendations.

(3) Private Use of Land Versus Public Regulation.

Throughout the Conference there was an evident tension between the concepts of private land use and the necessity for some public regulation of the use of privately owned land. Among the issues involved are:

(a) Which level of government ought to be charged with regulatory responsibility -- local, state, regional, Federal, or some new combination of those levels?

(b) To what extent should any government authority be given coastal zone management regulatory power? In essence, are we seeking protection of certain limited goals or do we seek a pervasive regulatory system?

(c) Could incentives, economic or otherwise, be used in some or all cases as alternatives to direct government regulation in order to achieve the objectives of coastal zone management?

In short, there was an obvious expressed need to establish a critical balance between private land use rights and vital public interests.

(4) Decision Making Structure. Substantial concern was expressed over the precise structure of the decision making authority within any coastal zone management planning system. Particular concern was expressed concerning the appropriate balance between special interests and the "little man."

(5) Need for a Coherent Program. What is needed is not piecemeal regulation but a total management system for the coastal zone. Whatever the methods of enforcement used, the process of developing a coastal zone management plan must consider the vast array of uses and interests of the coastal zone. There is a great need to coordinate local, state, and federal agencies through the permit system so that rather than a plethora of permits the applicant need seek only one, the management process assuring that all public interests are protected in the single application process.

(6) Information and Research Bases. There are two aspects to the issues of public information and research. First, there is a great need for public education on the whole issue of coastal zone management -- what it is, what its objectives are, and how those objectives will be achieved. Second, it is obvious that rational decisions cannot be made on the basis of incomplete or imperfect information and that our current data concerning many of the resources of the coastal zone are at present incomplete or imperfect. There is, therefore, an obvious need to expand research facilities and data gathering bases within the state.

(7) Lack of Polarization. Although some may disagree on this point, I perceived a minimum amount of polarization of positions and a great amount of rational discourse during the Conference. We did not hear the traditionally polarized conflict between environmentalists and industrialists in which the former

argue for a complete moratorium on industrial development and the latter assert the primacy of industrial production for our society. Rather, we heard moderate discussions of the need for laws permitting citizen suits for environmental protection, the need for citizen involvement in the regulatory decision making processes, and the need for fair and balanced representation of conservation interests. Further, industry representatives talked of multiple use of the coastal and marine environment and advanced such concepts as corridors and zoning which could permit more than one use of a given area.

In closing, I should like to make a personal observation. Although I am not a native of Louisiana, I have lived in the state for six years and, like anyone, want to take pride in the place in which I live. From time to time I hear about Louisiana being 48th, 49th, or 50th of the fifty states in some categories. For example, a few years ago it was stated that Louisiana had been 50th of the 50 states in the percentage increase support for higher education during a preceding period. This sort of statistic is not one in which any Louisianians can take pride.

Yesterday, Arthur Smith pointed out that 25 of the 30 coastal states already have wetlands preservation statutes or coastal management laws. At best, then, Louisiana is going to be 26th of the 30, presuming that the Legislature acts in a timely fashion.

I should like to remind the audience, however, that the winning racehorse does not always break in front; in fact, many of the greatest champions of the turf never took the lead until they reached the stretch. Thus, there is no reason why -- assuming that the Louisiana Legislature takes timely and appropriate action at the forthcoming session of the Legislature concerning the recommendations of the Louisiana Advisory Commission on Coastal and Marine Resources -- Louisiana need remain a follower and cannot become a leader in conserving and utilizing her tremendous coastal and marine heritage.

H.G.K.

Seafood and Wildlife

Co-Moderators: Edgar F. Veillon and Cameron Webster

Panelists:

Charles W. Bosch
Leslie L. Glasgow
Alva Harris
Harvey Loumiet, Jr.

John D. Newsom
Ted O'Neill
Alan J. Robinson
Charles Sebastian

SUMMARY

by Richard Stanek

The workshop was fortunate to have diversity of interests represented including the following, which resulted in a fragmentation of viewpoints.

1. Academic
2. Shrimp fishermen
3. Shrimp canners
4. Conservationists
5. Wildlife
6. Sport fishing
7. Fur
8. Shell dredging

In an attempt to summarize the panel discussion the following points were noted.

1. Recognition of the need for a Coastal Zone Management Program was unanimous with room for improvement in the Wetlands Prospectus.
2. Not all interests were covered adequately, specifically a lack of reference to recreation in general and hunting in particular.
3. In some areas of the State a lack of full utilization has been observed due to large tracts of land being leased by large concerns.
4. Special recognition was given to the importance of vegetation to the Coastal Zone with reference to its deterrent to tidal action.
5. Also mentioned was the fact the Coastal Zone is affected by natural drainage patterns from remote areas of the State.
6. A more concentrated effort was needed to make the public aware of the dollar value of wetlands which would result in various agencies giving proper attention to the cost-benefit ratios and including these in their environmental impact statements.

7. A companion thought was that this might be best accomplished through the use of television and the State educational system.
8. The program should include attention to species management as well as habitat management.
9. With regard to the makeup of the commission members there was no conclusive consensus. It was suggested that there might be all special interests, no special interests and a combination of the two.
10. There seemed to be a lack of scientific input in the Wetlands Prospectus from other State and Federal agencies. Possibly other alternatives regarding research should be considered.

Agriculture and Forestry

Co-Moderators: Gene Wittler and John A. Cox

Clyde St. Clergy
Paul McGower
George Miller
Don Ayo
F. A. Graugnard

P. J. deGravelles
Shelby Robert
Earnest Girouard
Lynn Desselle

SUMMARY

by Gene Wittler

Mr. Janvier, a representative of the oil and gas industry and a former commissioner of the Louisiana Coastal Zone Advisory Commission, indicated that his industry contributed over \$300 million to the state's economy and then compared this to various segments of the agricultural sector. I would like to point out that if Mr. Janvier had accumulated these figures and then added a few other minor agricultural enterprises, the total for agriculture, not counting forestry, would have been over \$500 million. While I do not have an accurate value for forestry in the coastal zone, I do know that 40% of the area defined as the coastal zone is in timber and contributes a considerable amount to the economy of the state.

I make these comments because we in agriculture and forestry are disappointed. We are disappointed because it is our understanding that the original Advisory Commission did not have a

representative from agriculture until late in 1972 and apparently after much of the Commission's work was completed. The forestry industry apparently had no representative and is not even considered in the Prospectus. In fact it is our understanding that the area defined as the Coastal Zone was not determined until the very end of the study.

The workshop group I represent has been for many years leaders in the area of management and conservation of our land and water resources and realize the need for coastal zone management and planning. But, because of the fact that we have had only a few days to consider the recommendations of the commission our first reaction was to recommend that legislative action not be considered this year. However, we realize the need for a sound management plan for the coastal zone and therefore would recommend the following:

1. That the Coastal Resources Commission be expanded to include a member that represents the Plant Science Industry, the Animal Science Industry and the Forest Industry. We would also ask that technical agricultural and forestry personnel be included on the management, long-range planning and long-range research staffs.
2. That the powers given to the commission and the management section in the statutes recommended be reconsidered in light of the fact that agriculture and forestry have had no real input in the formulation of these powers. It is our belief that it is much better to strengthen regulatory powers rather than to attempt to correct overzealous legislation.
3. We recommend that the statutes contain a provision for compulsory legislative review on an annual basis during the three-year planning period.
4. We recommend that educational funds be provided to conduct an extensive educational program to make the people of the area aware of the need for a coastal zone management program.

These are our recommendations and may I emphasize again that these recommendations are made with very limited knowledge of actually what the Prospectus contains and may I also ask that in the future all economic and social groups are given an equal chance to participate in projects or proposals that have such far reaching implications as the Coastal Zone Management proposal.

Petroleum and Industry

Co-Moderators: Ed Stagg and Vernon Behrhorst

SUMMARY

by Edward Stagg

At the outset of the workshop meeting, which was very well attended, it was suggested to the attendees that any program for the wetlands should give consideration to the growth needs of the state. It was noted that Louisiana has steadily lagged in growth as compared to the nation and to the South. It was further noted that sound growth requires consideration for maintaining a good environment, including the wise utilization of land and water resources. Attention was directed to the historic importance of water in Louisiana, both for transportation and industrial use. Whatever plans might be developed for the future should recognize the vital role of water resources.

The consensus of the workshop might be summarized as follows:

1. There was a general acceptance of the concept of coastal zone management, substantially along lines outlined in the study by the Commission.
2. It was recognized there have been for many years regulations in effect for operations in the coastal zone, but the management in being is fragmented in decision making and implementation. A more central management would be desirable.
3. Industry operating in the coastal zone is aware of the importance of overall development policies, but industry cannot be the leader in many instances because of anti-trust law provisions. This gives impetus to the concept of governmental leadership in coastal zone management.
4. There was support for the idea that state government should take the leadership role in shaping coastal zone policies. It was felt local governments are too confined in jurisdiction and that the federal government was too remote. State government appeared the best vehicle.
5. Planning and research for the coastal zone should have positive objectives in view for the best utilization of the area.

6. It was felt that to the extent possible, emphasis should be placed on use of surface water as opposed to ground water.
7. Concerning the matter of developing utility corridors, there was a sentiment for the concept but a cautionary comment was made it could be difficult to accomplish in view of what has been done already in laying of pipelines, etc.
8. In any planning effort for the zone, it was agreed there should be sound economic data developed for decision making.

Urban Development--Residential

Co-Moderators: C. R. Brownell and Randy Clement

Panelists:

Jim Firmin
Walter Sentenn
Gus Behling
Sidney Mixon

SUMMARY

by Sidney Mixon

There must be a "balance or compromise" in all future developments in the Coastal Zone by gathering all available environmental data and utilizing it in such a way that will allow for controlled development without harming the environment.

The panel reviewed the recommendations of the Commission which include: 1) Discourage residential and industrial development in lowlying wetlands through flood-plain zoning; 2) Open-space planning; 3) Key facility planning; 4) Industrial development; 5) Research--recommend research to determine the eco-system of each given area.

There was an extended discussion on the problem of ground-water table subsidence in residential building in wetlands. A new method of combating this problem is doing away with lining

drainage canals with concrete and allowing the water to seep back into the ground. Another important consideration in residential building is the elevation of floor slabs to prevent flooding. Since this is a costly proposition, there should be some way for municipalities to have the authority to tell home builders to build this way. Construction standards or minimum requirements are needed in this area.

Concerning industrial development, some ideas were to limit this development to certain corridors or to limit the population of a given area by limiting industrial development. It was brought out from the floor that once we understand the eco-system of the coastal area, we can define what should go where. One way to control industrial development and urban sprawl would be through transportation. Off ramps could be put on high lands and not in the middle of a swamp. It was maintained that industry would locate where it is feasible to locate and residential development will automatically follow.

A most important tool in controlling development in the coastal zone is through zoning. The need, however, is for overlapping zoning where a municipality would have control of development outside of city limits. The idea of forming a Council of Governments (COG) was discussed. This is a zoning body which would be formed of all local governments in a particular region or zone. These planning bodies would have to be created by legislative statutes, however. Since most regional planning commissions do not get involved with local problems, there is a need to broaden the powers of existing planning bodies, too.

The Prospectus was discussed and several legislators in the audience felt it would not be adopted by the legislature as is. It was felt that not enough of local input was in it to satisfy everybody. In Alabama, for instance, committees are formed with persons from the coastal zone to determine their needs and goals and a plan is promulgated to satisfy these needs and goals. Texas COG's were discussed again during this discussion. It was suggested that groups other than planners should get involved in planning, such as the Sierra Club.

Federal legislation was discussed at this point. The importance of expediency in adopting a coastal zone plan was stressed, however, a legislator said this was not exactly the case. The Prospectus is a great step forward but it doesn't solve all problems and it would be a mistake to adopt it as is. It is important to get a plan enacted this year in the legislature, but it should not be a piecemeal thing.

Legal Aspects

Co-Moderators: Paul M. Hebert and Michael Osborne

Panelists:

Ruth Miller
Pete Duffy
Joe Hamner
Michael Duplantier

Nora Duncan
William Manning
Fred Ellis

SUMMARY

by Liz Williams

The Legal Aspects Panel of the Coastal Zone Management Conference was held on February 13, 1974, from 2-5:00 p.m. Dean Paul M. Hebert, moderator of the panel, introduced the panel members and made a few brief introductory remarks.

Ruth Miller, first panel member to speak, explored the various methods of forcing land owners and industry to comply with environmental considerations and fit into a total management system. She discussed incentives, permits, expropriation, zoning and population control as possible alternatives of achieving these goals.

Pete Duffy, representing Wildlife and Fisheries Commission, commented on the proposed Coastal Zone Management Act. Praising the statute's broad overview approach, Duffy contrasted the narrow view taken by present agencies. Wildlife and Fisheries, for example, looks only to impact of an activity on wildlife or fisheries in granting a permit.

Joe Hamner from the port of New Orleans expressed the need to protect the status of the port, for its economic importance, particularly in management provisions.

Michael Duplantier discussed the enforcement provisions of the proposed statute. Mike Osborne warned that by having representatives of special interest groups on the proposed Commission would present ethical problems.

Stressing the need for coordination within the government, Nora Duncan, Special Counsel to the Attorney General's office of Tidelands, discussed the dangers of the private sector. Fred Ellis, associate professor of law, also emphasized the need for governmental coordination, in particular, federal-state liaison.

William Manning criticized possible overlapping of the scope of the act with existing agencies, perhaps rendering the administration of the agency ineffective.

There followed a period of questions and answers. Basically, there were two factions -- environmentalists and industry. Industry feared that their particular considerations might be overlooked unless they were somehow represented in planning. Economic concerns were paramount. For example, will the land already owned be taxed so highly that it will no longer be feasible to build there?

Environmentalists were concerned that the individual did not have standing to sue if that person or environmental group feels that certain actions should be halted.

Although there was general agreement that a system for coastal zone management is needed, the proposed statute naturally did not satisfy everyone.

COASTAL ZONE MANAGEMENT

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February 13 & 14
1974

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