

2026 Regular Session

HOUSE BILL NO. 890

BY REPRESENTATIVE COATES

COASTAL RES/COASTAL ZONE: Imposes additional requirements for certain coastal use permits on Lake Maurepas and Lake Pontchartrain

1 AN ACT

2 To enact R.S. 49:214.43, relative to coastal use permits; to provide for legislative findings;  
3 to establish a submerged lands protection standard applicable to certain coastal use  
4 permit applications; to require additional scientific study and documentation for  
5 certain uses on Lake Maurepas and Lake Pontchartrain; to provide for application  
6 requirements; to provide for departmental duties; to provide for independent review;  
7 to require public hearings; to require administrative record retention; to provide  
8 definitions; to provide for applicability; to provide for construction with other laws;  
9 to provide an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. The Legislature hereby finds the following:

12 A. Pursuant to Article IX, Section 1 of the Constitution of Louisiana, the  
13 State has an affirmative duty to protect, conserve, and replenish natural resources,  
14 including navigable waters and submerged lands.

15 B. Lake Maurepas and Lake Pontchartrain are navigable waters held in  
16 public trust and the submerged lands within these lakes provide essential benthic  
17 habitat, fisheries productivity, sediment stabilization, and water quality functions.

18 C. Industrial trenching, anchoring, platform installation, dredging, sediment  
19 displacement, and geophysical or seismic survey activities may disturb benthic  
20 substrate, mobilize contaminants, and alter sediment transport and it is necessary to

1 ensure that such activities do not result in permanent impairment of submerged lands  
2 or long-term degradation of benthic productivity.

3 Section 2. R.S. 49:214.43 is hereby enacted to read as follows:

4 §214.43. Submerged lands; protection standard

5 A. The requirements of this Section are in addition to and shall not replace  
6 or limit any other requirement applicable to coastal use permits.

7 B. This Section shall apply to any coastal use permit application for the  
8 following activities or uses in, on, or beneath submerged lands of Lake Maurepas or  
9 Lake Pontchartrain:

10 (1) Pipeline trenching or burial.

11 (2) Platform construction, pile driving, or anchoring systems.

12 (3) Dredging or sediment displacement.

13 (4) Geophysical or seismic survey activities.

14 C. (1) A coastal use permit for any activity provided for in Subsection A of  
15 this Section shall not be issued unless the department makes written findings,  
16 supported by competent scientific evidence, that each of the following are true.

17 (a) Disturbance of submerged lands has been minimized to the maximum  
18 extent practicable, considering cost, existing technology, and project design  
19 constraints, consistent with project purpose.

20 (b) The activity will not result in permanent alteration of lake bottom  
21 contours beyond natural seasonal variability.

22 (c) Sediment transport patterns will not be measurably altered in a manner  
23 that will contribute to erosion, channelization, or persistent turbidity increases when  
24 evaluated in light of existing a reasonably foreseeable similar activities within the  
25 affected basin.

26 (d) Concentrations of heavy metals or hydrocarbons in disturbed sediments  
27 will not exceed established ecological screening levels following disturbance.

28 (e) Benthic biological productivity within the disturbed area is reasonably  
29 expected, based on best available scientific evidence, to recover to pre-disturbance  
30 levels within five years following completion of construction or survey activity.

1           (2) The applicant shall bear the burden of demonstrating compliance with  
2           each criterion of this Subsection.

3           (3) The department shall make separate written findings addressing each  
4           criterion required by this Subsection and shall cite specific scientific data, modeling  
5           results, independent review findings, or other evidence contained within the  
6           administrative record supporting each determination.

7           (4) If the department determines that one or more of the criteria of this  
8           Subsection cannot be satisfied based on the administrative record, the permit shall  
9           be denied.

10           D. An application for a coastal use permit for any activity or use provided  
11           for in Subsection A of this Section shall not be deemed complete unless it includes  
12           the following documentation:

13           (1) High-resolution benthic habitat mapping of the proposed disturbance area  
14           and adjacent buffer.

15           (2) Sediment core sampling sufficient to characterize substrate composition  
16           and stability.

17           (3) Laboratory testing of sediments for mercury, lead, cadmium, arsenic,  
18           chromium, nickel, and petroleum hydrocarbons.

19           (4) Sediment elutriate testing simulating disturbance.

20           (5) Sediment transport and hydrodynamic modeling sufficient to evaluate  
21           contour restoration and trench stability.

22           (6) For seismic or geophysical surveys, a detailed description of survey  
23           methods, anchoring practices, vessel operations, and anticipated substrate  
24           interaction.

25           E. Applications subject to this Section shall undergo independent scientific  
26           review. Independent reviewers shall be selected solely by the department and may  
27           include qualified marine scientists or geologists from Louisiana public universities  
28           or other neutral experts.

1           (1) The applicant shall deposit funds sufficient to cover reasonable and  
2           actual costs of independent review into a restricted escrow account administered by  
3           the department.

4           (2) The applicant shall not select reviewers or have any control over their  
5           review.

6           (3) The department shall respond in writing to findings of independent  
7           review prior to permit issuance.

8           F.(1) Public hearing and record development. Prior to the issuance of a final  
9           decision under this Section, the department shall conduct at least one public hearing  
10          in the parish or region most directly affected by the proposed activity.

11          (2) Notice of the hearing shall be provided not less than thirty days prior to  
12          the hearing date and shall include notice of availability of all application materials,  
13          scientific modeling, sediment analyses, and independent review findings.

14          (3) The hearing shall provide an opportunity for the submission of oral and  
15          written comments from any member of the public, including scientific and technical  
16          testimony, which shall be included in the administrative record.

17          (4) In its final decision, the department shall respond in writing to all  
18          material scientific or technical issues raised at the hearing and shall explain the basis  
19          for accepting or rejecting such evidence.

20          G. Administrative record integrity. The administrative record shall include  
21          all documentation, data, modeling results, independent review findings, public  
22          comments, and written responses relied upon by the department in making its  
23          determination under this Section.

24          H. For the purposes of this Section, the following definitions shall apply:

25          (1) "Ecological screening levels" means sediment contaminant concentration  
26          thresholds protective of benthic organisms as established by rule of the department  
27          or by reference to recognized federal sediment quality guidelines, including but not  
28          limited to National Oceanic and Atmospheric Administration (NOAA) Effects Range  
29          Low (ERL) benchmarks or equivalent scientifically recognized standards.

1           (2) "Pre-disturbance levels" means baseline physical and biological  
 2           conditions documented through site-specific sampling conducted prior to  
 3           construction or survey activity.

4           (3) "Permanent alteration" means alteration persisting beyond five years  
 5           following completion of the permitted activity.

6           I. Nothing in this Section shall be construed to regulate matters exclusively  
 7           within federal jurisdiction.

8           Section 3. The provisions of this Act shall apply to any coastal use permit  
 9 application for which a final permit has not been issued as of the effective date of this Act.

10          Section 4. If any provision of this Act or the application thereof is held invalid, such  
 11 invalidity shall not affect other provisions or applications of this Act which can be given  
 12 effect without the invalid provisions or applications, and to this end the provisions of this  
 13 Act are hereby declared severable.

14          Section 5. This Act shall become effective upon signature by the governor or, if not  
 15 signed by the governor, upon expiration of the time for bills to become law without signature  
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 18 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 890 Original

2026 Regular Session

Coates

**Abstract:** Imposes additional permit application requirements for applicants seeking a coastal use permit for certain activity on Lake Maurepas or Lake Pontchartrain.

Present law establishes a coastal zone management program. Specifies that the Dept. of Conservation and Energy, office of coastal management, is the state agency responsible for management of activities in the coastal zone, including the issuance of coastal use permits.

Present law also establishes requirements for the issuance of coastal use permits and authorizes the promulgation of rules to provide guidance on permit decisions.

Proposed law imposes additional requirements on any applicant seeking a coastal use permit to allow the following activity on Lake Maurepas or Lake Pontchartrain:

- (1) Pipeline trenching or burial.
- (2) Platform construction, pile driving, or anchoring systems.
- (3) Dredging or sediment displacement.
- (4) Geophysical or seismic survey activities.

Proposed law requires the applicant to demonstrate all of the following to the department and requires the department to make written findings supported by evidence in the administrative record for each:

- (1) Disturbance of submerged lands is minimized.
- (2) The activity will not permanently alter lake bottom contours.
- (3) Sediment transport patterns will not contribute to erosion, channelization, or persistent turbidity increases.
- (4) Disturbed sediment will not release harmful concentrations of heavy metals or hydrocarbons.
- (5) Benthic biological productivity will recover within five years of disturbance.

Proposed law requires that the following additional documentation be submitted for these permit applications:

- (1) Benthic habitat mapping.
- (2) Sediment core sampling.
- (3) Laboratory testing of sediments for certain substances.
- (4) Sediment elutriate testing.
- (5) Sediment transport and hydrodynamic modeling.
- (6) Detailed descriptions of any seismic or geophysical surveys.

Proposed law requires that permit applications subject to proposed law be reviewed by an independent, neutral expert selected by the department and paid for by the applicant.

Proposed law requires a public hearing in the parish or region most affected by the proposed activity that offers the public the opportunity to submit oral and written comments and requires that the department respond in writing to all material scientific and technical issues raised by comments received.

Proposed law requires the department to maintain an administrative record of all data, independent findings, comments, and responses to comments relied upon to make a final determination.

Proposed law applies to any permit application for which a final permit has not yet been issued on the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 49:214.43)