
DIGEST

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Henry

HB No. 855

Abstract: Provides for a for a process for initiation or continuation of actions by local governmental subdivisions to initiate or continue actions to enforce the coastal management program.

Present law creates a coastal zone management program in the Dept. of Natural Resources. Provides generally for the development of a state program aimed at protecting, developing, and managing the coastal zone of the state. The program defines the coastal zone and delineates the types of uses approved for the coastal zone. Further provides for the development of state and local coastal management plans.

Coastal use permits issued by the Dept. of Natural Resources are used to control the development and activities in the coastal zone. Present law provides for enforcement of the coastal use permits (CUP) and the activities permitted under the CUPs.

Present law specifies that the secretary, the attorney general, an appropriate district attorney, or a local government may bring injunctive, declaratory, or other actions to ensure that only permitted activities may be conducted in the coastal zone. Proposed law specifies that the secretary, through the attorney general and a local governmental subdivision, may brig such actions.

Proposed law also requires that prior to initiating or continuing an action to enforce the coastal management laws or rules, a local governmental subdivision must serve notice of a violation, including specific information about the alleged violation, to the secretary of the Dept. of Natural Resources and the person alleged to be in violation. The person alleged to be in violation must respond to the secretary and the local governmental subdivision within 60 days. No action may be initiated or continued by the local governmental subdivision until the secretary conducts an investigation into the allegations, which investigation must be concluded with in 120 days after the issuance of the notice of violation, and finds that a violation has occurred, the violator is under the territorial jurisdiction of the local governmental subdivision desiring to bring action, the enforcement action is consistent with the coastal management program and the state's master plan for integrated coastal protection, and the enforcement action is reasonable and appropriate.

Present law provides for monies collected pursuant to enforcement actions taken by the department to be placed in local government mitigation banks of the parish where the violation took place or the Wetlands Conservation and Restoration Fund if there is no local governmental mitigation bank and used only for mitigation projects within the geographic boundaries of the local government where the violation took place.

Proposed law provides for the funds to be deposited to the Coastal Resources Trust Fund to be used only for mitigation projects within the geographic boundaries of the local governmental subdivision where the violation took place.

Effective on signature by governor or lapse of time for gubernatorial action.

(Amends R.S. 49:214.36(D), (J), (K), (L), (M), and (N); Adds R.S. 49:214.36(O))