
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tyler S. McCloud.

SB 359 Engrossed

DIGEST
2020 Regular Session

Hensgens

Present law establishes a coastal zone management program within the Dept. of Natural Resources administered by the secretary of the department. An aspect of the program is the application and issuance of required coastal use permits prior to commencing a use of state or local concern in the coastal zone.

Present law authorizes the secretary, the attorney general, an appropriate district attorney, or a local government with an approved program to bring injunctive, declaratory, or other actions necessary to ensure no use of the coastal zone is made without the necessary permit or that is not in accordance with the terms and conditions of a coastal use permit.

Proposed law authorizes the secretary or the attorney general to bring such actions necessary to ensure no uses of state concern and no uses of local concern are made in the coastal zone without the necessary permit or which are not in accordance with the terms and conditions of a coastal use permit.

Proposed law authorizes the appropriate district attorney, unless otherwise precluded by state law or home rule charter, and the local government, with an approved program, to bring such actions as are necessary to ensure that no uses of only local concern are made of the coastal zone without the required coastal use permit or which are not in accordance with the terms and conditions of a coastal use permit.

Proposed law provides that the authority of such district attorney or local government to bring an action shall be limited to uses of local concern within their jurisdiction.

Present law defines "uses of state concern" as those that directly and significantly affect coastal waters and which are in need of coastal management and which have impacts of greater than local significance or which significantly affect interests of regional, state, or national concern. Present law provides examples of uses of state concern as follows:

- (1) Any dredge or fill activity which intersects with more than one waterbody.
- (2) Projects involving use of state owned lands or water bottoms.
- (3) State publicly funded projects.
- (4) National interest projects.
- (5) Projects occurring in more than one parish.

- (6) All mineral activities, including exploration for, and production of, oil, gas, and other minerals, all dredge and fill uses associated therewith, and all other associated uses.
- (7) All pipelines for the gathering, transportation or transmission of oil, gas, and other minerals.
- (8) Energy facility siting and development.
- (9) Uses of local concern which may significantly affect interests of regional, state, or national concern.

Present law defines "uses of local concern" as those that directly and significantly affect coastal waters and are in need of coastal management but are not uses of state concern and which should be regulated primarily at the local level if the local government has an approved program. Present law provides examples of uses of local concern as follows:

- (1) Privately funded projects which are not uses of state concern.
- (2) Publicly funded projects which are not uses of state concern.
- (3) Maintenance of uses of local concern.
- (4) Jetties or breakwaters.
- (5) Dredge or fill projects not intersecting more than one water body.
- (6) Bulkheads.
- (7) Piers.
- (8) Camps and cattlewalks.
- (9) Maintenance dredging.
- (10) Private water control structures of less than \$15,000 in cost.
- (11) Uses on cheniers, salt domes, or similar land forms.

Proposed law retains present law.

Present law authorizes a court to impose civil liability and assess damages, order the payment of the restoration costs, require actual restoration of areas disturbed, or otherwise impose reasonable and proper sanctions for uses conducted within the coastal zone without a coastal use permit where a coastal use permit is required or which are not in accordance with the terms and conditions of a coastal use permit. Further authorizes the court to award costs and reasonable attorney fees to the prevailing party.

Proposed law authorizes such court action subject to the requirements of the proposed law.

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

(Amends R.S. 49:214.36(D) and (E))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Limits the authority of a local district attorney to enforce uses of local concern if otherwise precluded by state law or home rule charter.