



## **Louisiana Sea Grant Legal Program**

### ***Louisiana Coastal Law E-mail Update*** **Issue #10, October 2002**

#### **NEWS UPDATES**

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##### **America's Wetlands**

On August 27, 2002, Governor Foster unveiled a campaign intended to attract national attention to saving Louisiana's coastline. The campaign will highlight the benefits and beauty of Louisiana's wetlands. Governor Foster emphasized that Louisiana cannot solve this problem alone, and needs funding similar to that given to the Chesapeake Bay and Everglades projects. The Shell Oil Company Foundation has already pledged \$3 million for television advertisements, educational videos, and materials. The McIlhenny Company will advertise the campaign on bottles of Tabasco sauce. National conservation groups are also poised to raise money for Louisiana. The project will help to raise part of the \$14 billion needed for river diversions, barrier island restoration, and replanting of vegetation. These efforts are needed to meet the goal of stopping and reversing wetland loss by 2050. More information on this project can be found at the initiative's web site, which is discussed in the Web Site of Interest section below.

##### **Marine Fisheries Advisory Committee (MAFAC) New Members Announced**

For the first time in the past few years, the MAFAC will have a full 21 members. New individuals have been recently announced as members of the Marine Fisheries Advisory Committee, the advisory body to the Secretary of Commerce on all matters concerning living marine resources. The members of the MAFAC represent commercial and recreational fishing interests, environmental organizations, academic institutions, governmental, tribal and consumer groups from many different regions. For more information on MAFAC, please visit <http://www.nmfs.noaa.gov/mafac.htm>.

##### **Public Comment Period on the Draft "Code of Conduct for Responsible Aquaculture Development in the U.S. EEZ" Reopened**

Due to public concern over the August 2002 draft document of the Code, more time has been allotted to review that document in order to make adequate comments. NOAA Fisheries has now reopened the comment period for public input on the draft "Code of Conduct for Responsible Aquaculture Development in the U.S. Exclusive Economic Zone." Comments will be accepted until 5:00 p.m. on October 31, 2002. The document can be viewed at [www.nmfs.noaa.gov/aquaculture.htm](http://www.nmfs.noaa.gov/aquaculture.htm) under "What's New". Comments must be submitted in writing to Colin Nash, NMFS/WASC, P.O. Box 130, Manchester, WA 98353.

## **Web Sites of Interest**

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### **America's WETLAND: Campaign to Save Coastal Louisiana**

<http://www.americaswetland.com>

America's WETLAND expresses major concern for the wetlands, the "heart" of Louisiana. The site encourages its visitors to become involved in the campaign to save Louisiana's wetlands. It provides the visitor with contact information for the Campaign to Save Coastal Louisiana. Even though the campaign's major focus is on wetlands, it does provide links to other news. The news links allow visitors a look at recent press releases dealing with matters such as the America's WETLAND campaign, Ducks Unlimited, and Shell Oil Company Foundation.

### **The Environmental Law Institute**

<http://www.eli.orgg>

The Environmental Law Institute's diverse web site is a powerful educational tool for anyone interested in environmental issues, from policy issues to educational matters. The web site includes articles updating ELI members, major current environmental concerns, and recent news dealing with matters on current ELI publications. It also provides a link to the Environmental Law Reporter, which provides information on recent litigation, federal laws and regulations, and briefs and pleadings. Important environmental law information is only a click away. The site also provides a link to the ELI store, allowing visitors to order reference tools, including but not limited to published books, periodicals, and individual articles.

### **NOAA Fisheries Service**

<http://www.noaa.gov/fisheries.html>

NOAA Fisheries Service is dedicated to protecting and preserving our nation's living marine resources through scientific research, fisheries management, enforcement, and habitat conservation. The home page of the site provides brief synopses of fisheries topics and links to information on marine mammals, sea turtle protection, and habitat protection. The web site also provides links to particular legislation dealing with fisheries. In its organization of the web site, NOAA Fisheries also established links for different subtopics, such as "hot topics," "products," and "organizations." This particular web site is a major aid in research of fisheries located in any region of the country.

## **Federal Legislation Update**

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### **Federal Shrimp Law Changes**

15 CFR Part 902, 15 CFR Part 622

The National Marine Fisheries Service (NMFS), has approved Amendment 11 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico. Amendment 11 requires owners or operators of all vessels harvesting shrimp in the Exclusive Economic Zone (EEZ) of the Gulf of Mexico to obtain a commercial vessel permit for Gulf shrimp. This permitting system will provide comprehensive information on boats in Federal and state waters and whether they fish in the EEZ. The data collection will be more accurate due to a larger sample size and will provide for better fisheries management. NMFS provides that shrimpers will not incur any additional cost as a result of this system.

The Amendment also prohibits the use of traps to harvest royal red shrimp in the Gulf of Mexico EEZ. This measure is intended to prevent gear conflict and overfishing. Finally, the Amendment prohibits the transfer of royal red shrimp at sea. This measure is also intended to increase enforcement of the

prohibition on the use of traps in the fishery. Environmental groups have supported the amendment, stating that it promotes enforcement of sea turtle conservation.

### **National Sea Grant College Program Act Amendments of 2002 (H.R. 3389)**

The National Sea Grant College Program Act Amendments of 2002 were passed by a vote of 407 to 2 as H.R. 3389. The bill reauthorized and increased funding for the program for another 5 years. This bill also reauthorizes the Coastal Ocean Program (PL 102-567). The bill does not consolidate the two programs; however, coordination is encouraged.

The bill, initiated by Representative Wayne Gilchrest (R-MD), is the work of collaboration between the House Committee on Resources and the Committee on Science. Sea Grant programs are funded at 30 colleges and universities that work with over 300 institutions nationwide. While the bill does not specifically provide for the creation of a Sea Grant program in the Western Pacific Islands, NOAA is expected to expand the Sea Grant College Program to that region soon. The amendments authorize funding of qualified Sea Grant colleges or institutions created after these amendments by using a portion of the appropriations that exceed those awarded in Fiscal Year 2002.

A new amendment to the act demands cooperation between NOAA and the National Science Foundation (NSF). By February 15 of every year, the Under Secretary of Commerce for Oceans and Atmosphere and the Director of the NSF must jointly submit a report to the appropriate House and Senate committees on the how the research activities of NOAA, the National Sea Grant College Program, the Coastal Oceans Program, and the NSF will be coordinating during the next fiscal year. The report must describe any overlapping research interests and "specify how such research interest will be pursued by the programs in a complementary manner," partly to increase efficiency and avoid spending duplications.

Appropriations to the program are authorized to increase gradually every year, from \$60,000,000 for Fiscal Year 2003 to \$85,000,000 for Fiscal Year 2008. In addition to the yearly appropriations, \$5,000,000 each is authorized for competitive research grants for four "priority activities:" zebra mussels and other invasive species; oyster diseases, oyster restoration and human health risks; and the prevention of harmful algal blooms. \$3,000,000 is authorized for fishery extension activities. The Coastal Ocean Program is to be appropriated \$35,000,000 for each fiscal year from 2003 to 2008.

Perhaps the most significant amendment to the National Sea Grant College Program Act is in the disbursement of funds. The Act seeks to promote and ensure high quality research by changing the disbursement scheme. Instead of the historical formulaic award basis for funding individual programs, any appropriations above the amount awarded for Fiscal Year 2002 will be disbursed on a competitive ranking system, so that those Sea Grant programs that "are determined to be the best managed and to carry out the highest quality research, education and extension, and training activities" will be awarded with the most funds.

A similar bill (S.2428) to authorize the National Sea Grant College Program was passed by the Senate Commerce, Science and Transportation Committee in May, 2002. No final adoption of these measures has yet occurred.

As part of NOAA's funding, the Senate Appropriations Committee on Commerce, Justice and State recently appropriated \$63.4 million for the sea grant program and \$20 million for ocean exploration for fiscal year 2003.

## **Louisiana Congressional Appropriations for Fiscal Year (FY) 2002**

2002-2003 REGULAR SESSION

Act 13 (Appropriations)

(Duplicate of HB No. 1); Leblanc

Makes appropriations for the ordinary expenses of the executive branch of state government, pensions, public schools, public roads, public charities, and state institutions and providing with respect to the expenditure of such.

Schedule 11

Department of Natural Resources

11-431 Office of the Secretary

Management and Finance (increase in funding of over \$300,000 for FY 2002)

It is the goal of this program to maximize and prioritize the use of funding to provide functions in such a manner that property supports all of the other programs in the Department of Natural Resources. One particular objective of the program is to process 100% of valid claims for repairs to fishing vessels and gear damaged by underwater obstacles within 120 days of receiving a complete application.

Technology Assessment (increase in funding of over \$800,000 for FY 2002)

The particular goal of this program is to promote the development of alternative and renewable energy sources, educate on conserving renewable and non-renewable natural resources, and provide timely and accurate technical assistance, information and data analysis. An objective of this program is to provide energy and natural resources information and analysis within requested deadlines for 80% of such requests.

Governor's Supplementary Budget Recommendations (no change)

The goal of the Atchafalaya Basin Program is to conserve, restore and enhance the natural habitat of the Atchafalaya Basin. It also has a purpose to give all people the opportunity to enjoy the Atchafalaya experience and to develop and begin a plan that satisfies the needs of all sections of Louisiana life and economy, which in turn will protect landowner rights and the environment. One particular objective of this program is to enhance the recreational resources of and public access to the Atchafalaya Basin by constructing four recreational facilities and maintaining the Attakapas Wildlife Management Area for use by the public for 100% of the days. Another objective of the program focuses on the restoration of the water hydrology of the Atchafalaya Basin.

11-432 Office of Conservation

Oil and Gas Regulatory (increase in funding of over \$1,000,000 for FY 2002)

The goal of this particular program is to serve the citizens of Louisiana by managing and preserving nonrecurring natural resources in the state. It holds the responsibility of protecting the rights of all individuals involved in the exploration and production of oil, gas, and other natural resources while minimizing wastes. The main objective of this program is demonstration. It must demonstrate success in protecting the rights of above mentioned by ensuring that 96% of Conservation Orders from oil and gas

hearings are issued within 30 days. The outcome must show that 99% of the Orders resulted in no legal challenges.

Public Safety (increase in funding of over \$1,000,000 for FY 2002)

It is the mission of this program to protect the citizens of Louisiana. It is also responsible for upholding the integrity of the environment. One important objective of this program was implemented to ensure that the state's water bottoms are as free of obstructions to navigation as possible by removing 20 obstructions and ensuring that 100% of legally abandoned oil and gas sites in coastal waters have clearance plans to protect navigation.

11-435 Office of Coastal Restoration and Management

Coastal Restoration and Management (decrease in funding of about \$1,000,000 for FY 2002)

It is the goal of the program to continue to preserve, enhance, restore, and protect the coastal wetlands of Louisiana so they will remain productive and available for the continued economic and recreational use of the people of Louisiana. There are two objectives of this program. One is to ensure that the loss of wetlands resulting from activities regulated by the program will be offset by actions that compensate 100% for their loss. The other objective focuses on the development of projects for the purpose of creating, restoring, and enhancing 13,470 acres of vegetated coastal wetlands while operating effectively.

Schedule 13

Department of Environmental Quality

13-850 Office of the Secretary

Administrative (decrease in funding of over \$600,000 for FY 2002)

The primary goal of the administrative program is to improve the environment of the state. This is to be achieved by enabling the department to provide the people of this state with comprehensive environmental protection in order to protect their health, safety, and welfare while keeping in mind the economic and employment concerns. Two major objectives of the program concerning the environment deal with water bodies. One objective is to monitor and sample 100% of the 476 water body subsegments statewide by FY 2003. Another is that it must evaluate 46 high-priority hazardous and solid waste facilities subject to corrective action so that both human health and the environment are protected. This must be accomplished by ensuring that migration of contaminated ground water releases are controlled.

13-851 Office of Environmental Compliance

Environmental Compliance (increase in funding of over \$1,000,000 for FY 2002)

The goal of the Environmental Compliance Program is to protect the people and environment of Louisiana and must do so by striving for environmental compliance in the regulated communities. One major objective of the program is to ensure protection of public health by inspecting facilities related to air emissions, solid waste, water, hazardous waste and underground storage tanks, tire dealers, radiation licensed facilities, and priority projects related to asbestos and lead-based paint hazards.

13-853 Office of Environment Assessment

Environmental Assessment (increase in funding of over \$100,000 for FY 2002)

The Environmental Assessment Program has the responsibility to improve the environment by evaluating and monitoring such. It must post all mercury fish tissue-sampling results on the DEQ web site within 30 days after concurrence with the Department of Health and Hospitals. The program must also define the source water protection area and identify potential sources of contamination for all 80 groundwater public water supply systems now recognized in the Department of Health and Hospitals' database.

#### Schedule 16

#### Department of Wildlife and Fisheries

##### 16-511 Office of Management and Finance

Auxillary Accounts (decrease in funding of nearly \$5,000 for FY 2002)

The main purpose of this program is the publication and distribution of the Conservationist Magazine. This publication provides information about Louisiana's wildlife and fisheries resources. The major objective of the program is to maintain the circulation level of the magazine at no less than 28,000.

##### 16-512 Office of the Secretary

Administration (decrease in funding of over \$40,000 for FY 2002)

The one and only objective of the administration program is to ensure that 90% of the objectives of the Department of Wildlife and Fisheries are achieved during the fiscal year.

Enforcement (increase in funding of over \$2,000,000 for FY 2002)

This program has the responsibility of enforcing law abidance with fish and game laws. It is to ensure the number of boating accidents does not exceed 51 per 100,000 registered boats.

##### 16-513 Office of Wildlife

Wildlife (increase in funding of nearly \$6,000,000 for FY 2002)

The office of wildlife must develop, maintain, enhance, manage, and promote wildlife resources, habitats, and biological diversity. One major objective of the program is to achieve, annually, at least acre-for-acre, in kind mitigation or equivalent recompense for all unavoidable damages to fish and wildlife habitat resulting from projects impacting regulated wetlands and riparian wildlife habitat. Another major objective of the program focuses on alligators. It must manage and promote wise uses of alligator resources of Louisiana and keep maximum harvest numbers at 32,000 wild and 180,000 farm raised alligators.

##### 16-514 Office of Fisheries

Fisheries (increase in funding of over \$400,000 for FY 2002)

This program has the responsibility of managing and enhancing fishery resources through protection and research. The program holds many objectives. One is to ensure that none of the major marine fish stocks are over fished. Another objective is to administer a leasing system for oyster water bottoms. A third objective of the program is to ensure that all species of sport and commercial freshwater fish are in good condition in at least 91% of all public lakes. A final objective of the Fisheries Program increases the number of boat ramps serving Louisiana's public water bodies.