



**Louisiana Sea Grant Legal Program**  
**Louisiana Coastal Law Email Update Service**  
**Issue #29, February 2010**

**Attorney General Opinion**

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Under Louisiana Revised Statutes 38:113, material dredged from a drainage canal or channel by the Drainage District is the property of the riparian landowner. Additionally, the Drainage District may spread the material on a riparian landowner's property beyond the 100 foot servitude allowed by law only if the spreading does not constitute an overburdening upon the landowner's property. The Drainage District must compensate the landowner for the material, minus the costs, if the Drainage District sells the dredged material to another party.

**Source:** James "Buddy" Caldwell, Louisiana Attorney General, Opinion 09-119.

**News**

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**Federal Fifth Circuit rules Katrina victims have standing in global warming claims**

The federal Fifth Circuit District Court recently ruled that plaintiffs have standing to sue for damages resulting from the emissions of greenhouse gasses and global warming. This decision was based upon a case in which Mississippi landowners claimed that oil and coal companies emitted greenhouse gasses that caused sea level rise and subsequent flooding from Hurricane Katrina. The decision does not address the merits of the case, but as a preliminary matter it allows for the plaintiffs to have their day in court. The issue was whether the plaintiffs could establish through evidence that their injuries were "fairly traceable" to the defendant's actions. Critics claim that the ruling will result in an influx of similar claims.

**Source:** The Wall Street Journal, *Hurricane Katrina victims have standing to sue over global warming* (October 19, 2009) (On file with LSGLPP).

**US Senator drafting shrimp industry legislation**

U.S. Senator David Vitter has announced that his office is drafting a bill that, if passed, will increase foreign-shipped seafood inspections and hold importers to more stringent standards, ban shrimp sales from countries with histories of supplying tainted shrimp, and strengthen penalties for misrepresenting foreign shrimp as shrimp caught in Louisiana.

**Source:** Jeremy Alford, *Lawmaker drafting shrimp-industry legislation*, The Daily Comet (December 13, 2009) (On file with the LSGLPP).

### **Shrimpers faced with quandary over Thailand tariffs**

The Southern Shrimp Alliance, an eight-state organization that represents shrimp industry interests, is reaching out to Louisiana shrimpers in its effort to convince the U.S. Commerce Department to drop tariffs against Thailand in favor of a cash payment from the Thailand government. The payment reportedly ranges between \$60-100 million, and is to be used to buoy the U.S. shrimping industry. At issue is the disbursement of the payment to shrimpers and processors and the overall effectiveness of the current tariffs.

**Source:** John DeSantis, *Thailand shrimp tariffs could be dropped*, The Daily Comet (December 13, 2009)(On file with the LGSLP).

### **Louisiana Shrimp Task Force meets with shrimpers and processors; tension ensues**

The Louisiana Shrimp Task Force, appointed by Governor Bobby Jindal, met with Louisiana shrimpers and processors in September 2009, and long-held animosity between the shrimpers and processors became the prevailing issue. Among the concerns voiced were the dockside pricing, imported shrimp tariff disbursement, and a recent meeting between shrimpers and a New Orleans law firm. Despite the intense interaction, the two groups hope to cooperate in the future.

**Source:** Jeremy Alford, *Animosity boils over amid efforts to save shrimping*, The Daily Comet (September 29, 2009) (On file with LSGLPP).

### **Program to certify authenticity of Louisiana-caught shrimp to be revealed**

Among the many projects of the Louisiana Shrimp Task Force, state officials will soon reveal a program that certifies the authenticity of Louisiana shrimp. The idea of the certification program has been met with optimism by both shrimpers and processors, factions who often disagree with each other's practices. From a marketing standpoint, certified products are often targeted by nationwide seafood purchasers. However, the certification process requires better equipment, and the sources of funding for such equipment remains in question.

**Source:** Jeremy Alford, *Certified program coming together for shrimpers*, The Daily Comet (October 5, 2009)(On file with LSGLPP).

### **Mississippi shrimpers not in plans for Gulfport restoration**

Post-Katrina efforts to restore the Gulfport, Mississippi coastline apparently exclude accommodating space for shrimp boats, which prior to Katrina often docked in the area. The Mobile Press-Register reported in October that the plan for Gulfport restoration includes provisions for "bigger ships, deeper channels, yacht basins, marina expansions and casino growth." Shrimpers and shrimp boats are not included. After Katrina the shrimpers, who fished the waters off Gulfport and sold their catch from the Gulfport docks, were forced to dock at Pass Christian, more than three hours from their fishing ground. Shrimpers claim that such an adjustment has been more than an inconvenience and has affected the quality of their livelihood. For instance, Jimmie Rowell, a citizen of Gulfport and a shrimper for over 45 years, no longer can sell shrimp from the more populated Gulfport docks and has had to downgrade to a smaller boat. Compounding the docking problem is the drastic reduction in the market price for shrimp, which in some cases has decreased from over four dollars a pound to a mere 80 cents per pound.

**Source:** The Associated Press, *In Gulfport, shrimpers say they are no longer welcome*, The Daily Comet (October 12, 2009)(On file with LSGLPP).

### **Giant tiger prawns invading Louisiana waters**

Wildlife officials claim that giant tiger prawns, crustaceans native to the West Pacific, have been captured from Louisiana waters. The invasive species, which is widely farmed for commercial purposes, could infect native shrimp with disease if the giant prawn establishes a population. State officials ask fishermen to report the presence of the prawns in the event of capture.

**Source:** Jeremy Alford, *Black Tigers Invading Louisiana Waters*, The Daily Comet (October 20, 2009) (On file with LSGLPP).

### **Terrebonne and Lafourche most vulnerable, most prepared**

Oxfam America recently released a study on climate change that details “hotspots” across 13 states susceptible to climate-related hazards, and Terrebonne and Lafourche are included on the list. According to the study, 100% of the land in Terrebonne and Lafourche parishes is listed in the flood zone, and a great majority of the land in both parishes is susceptible to rising sea levels. However, the study also finds that the residents of the areas, who generally are more educated and are not stricken by high unemployment rates, are among the most prepared to respond to a climate-related hazards. The United Houma Nation, an American Indian tribe, was used as a case study in the study's section involving sea level changes. As a result of climate change and rising sea levels, salt water has increased in the bayous and tributaries fished by the Houma over the centuries. Consequently, their way of life has been severely altered.

LSU, under funding by the National Oceanic and Atmospheric Administration, is conducting a similar study. Lynne Carter, associate director of the Southern Climate Impacts Planning Program, says that the program “aims to evaluate state and local-level hazard-planning processes currently in place across the south-central U.S. in an effort to learn more about information sources used, planning challenges, data needs and communication.”

**Source:** Jeremy Alford, *Terrebonne, Lafourche among most vulnerable climates*, The Daily Comet (October 25, 2009) (On file with LSGLPP).

### **Lafourche Parish may gain public seashore recreational site**

On December 9, 2009, the state's Coastal Protection and Restoration Authority considered a plan to designate the Caminada Headland, a 14-mile tract of coastline in Lafourche parish, the state's first public seashore. The plan, which if passed is expected to increase tourism in the vicinity, calls for the area to be accessible by the public for recreational uses such as hiking, fishing and crabbing. However, some critics claim that the plan may interfere with a \$700 million federal effort to restore the coast. For instance, because the plan calls for vehicular access to the area, the building of roads may present a negative impact on the area.

**Source:** Nikki Busky, *Public seashore possible for Lafourche*, The Daily Comet (December 9, 2009) (On file with LSGLPP).

### **Terrebonne and Lafourche appeal FEMA maps, claim maps overestimate flooding possibilities**

In September 2009, Terrebonne and Lafourche submitted their final appeals against recent flood maps produced by FEMA. The parishes claim that the maps inaccurately account for roads, levees and other storm surge barriers. The parishes also claim that the FEMA findings do not accurately render the reality that levees and barriers have contained flooding. These maps, which indicate a higher probability of flooding than what has actually occurred, could result in a reduction of development as well as an increase in flood insurance.

**Source:** Nikki Buskey, *Protests Filed Against New Flood Maps*, The Daily Comet (September 28, 2009)(on file with LSGLPP).

### **Funding for relocating coastal communities, loans for fishermen considered**

The Louisiana Recovery Authority has set \$10 million of federal relief money from hurricanes Gustav and Ike aside for a program that would pay residents to vacate communities constantly damaged by the storms. The program would allow for the funds to be used for voluntary buyouts of their current property in order for them to relocate to higher ground. Moreover, the program aims to keep communities intact, providing incentives for the relocation of entire communities instead of allowing individual relocations. The program has been met with optimism by at least one coastal community, Terrebonne Parish's Isle de Jean Charles.

Another program offers approximately \$27 million in federal grants and loans to fishermen to help repair losses from hurricanes and an additional \$5 million for purchasing modern gear. However, because this program is primarily loan-based, it complicates financial concerns for fishermen who already have loans and who are coping with the low cost of shrimp.

**Source:** Nikki Buskey, *State may pay storm-weary communities to relocate*, The Daily Comet (October 12, 2009) (On file with LSGLPP).

### **North shore coastal restoration discussed**

In September 2009, Garret Graves from Governor Bobby Jindal's office and Denise Reed, interim director of the Pontchartrain Institute for Environmental Sciences, led a presentation entitled "Can our North Shore Coast Be Saved?" The discussion outlined necessary steps for coastal restoration along the north shore of Lake Pontchartrain and highlighted some of the methods and plans proposed and enacted by the state to protect communities from flooding and to restore the coast.

**Source:** Benjamin Alexander-Bloch, *North shore's role in coastal restoration discussed*, The Times Picayune (September 28, 2009)(On file with LSGLPP).

### **U.S. Army Corps of Engineers analysis calls for potential increase of safe water elevation for London Avenue Canal**

In September 2009, the US Army Corps of Engineers completed an analysis that could mean an increase of up to 70% in water elevation at the London Street Canal. The current safe water elevation is at 5 feet, and the Corps has stated that once improvements and repairs to the floodwall are complete, that water level could increase from 1 ½ to 3 feet. The news has been met with some criticism from other engineers, who have requested more data and analysis before the water level is increased.

**Source:** Shiela Grisset, *London Avenue Canal study could raise 'safe water elevation'*, The Times Picayune (September 28, 2009)(On file with LSGLPP).

### **U.S. Department of Agriculture to target farms that pollute the Mississippi River**

The U.S. Department of Agriculture will spend more than \$320 million over the next four years on efforts to reduce agricultural runoff that drains into tributaries of the Mississippi and Ohio rivers. The pollutants, such as nitrogen and phosphorous that help crops grow, also causes algae in the Gulf to thrive, which in turn creates the dead zone.

**Source:** Editorial page staff, *Editorial: Finally, targeted federal action on Gulf of Mexico's dead zone*, The Times Picayune (September 29, 2009)(On file with LSGLPP)

### **Formosa Plastics fined for environmental violations**

Formosa Plastics Corp. of Louisiana and Formosa Plastics Corp. of Texas were ordered to pay \$2.8 million in civil penalties for violating environmental regulations concerning leak detection and hazardous waste and wastewater discharge. The companies also agreed to spend over \$10 million for improvements at the facilities.

**Source:** The Associated Press, *Formosa Plastics fined \$2.8 million for environmental violations at two sites*, The Times Picayune (September 29, 2009) (On file with LSGLPP).

### **Link exists between wetland loss and Outer Continental Shelf oil and gas pipelines**

A recent study by the federal Minerals Management Service concluded that gas and oil pipelines related to oil and gas production on the Outer Continental Shelf adversely effect wetlands. The results, obtained by computer models, bolster the longstanding claim of Louisiana officials that the federal government should pay more costs concerning wetlands restoration and preservation. The study also finds that the pipelines cover approximately 11% of Louisiana wetlands, and the effects of these pipelines vary according to the type of construction used. For instance, the most detrimental type of pipeline construction is the dredging of flotation canals, followed by the push-pull method and directional drilling for underground pipelines. The report emphasized that the effects could be "greatly minimized with proper application of mitigation techniques."

Additionally, the study noted that higher wetland loss was found in Louisiana, where the frequency and volume of pipelines is higher and the methods of construction are more damaging. Lower loss rates were found in the Texas barrier islands, Mississippi and Alabama, where more suitable methods are used more frequently. In fact, the study indicates that Mississippi and Alabama are experiencing wetland growth.

**Source:** Mark Schleifstein, *Wetland loss linked to Outer Continental Shelf oil and gas pipelines in new study*, The Times Picayune (October 5, 2009) (On file with LSGLPP).

### **West Bay diversion project to end**

State and federal officials have agreed to close the West Bay diversion project, which was designed to effectuate coastal restoration through the diversion of Mississippi River sediment. The project, which is located south of Venice near the mouth of the Mississippi River, may end as early as this fall. At issue is a nearby anchorage that becomes shallow and therefore requires regular dredging. The Breaux Act Task Force has concluded that it cannot afford to continue to pay for dredging of the anchorage, and the U.S. Army Corps of Engineers refuses to assume the duty of dredging the area, claiming that the shallow water is a result of the diversion project. To that end, the Army Corps of Engineers completed a study in order to assess the cause of the shallow anchorage. The study indicated that the diversion project is just one of many causes of the sediment accumulation, but it also indicated that the diversion is too close to the mouth of the Mississippi River to maximize its use. Because the Army Corps of Engineers will not fund the dredging, the Coastal Wetlands Planning, Protection and Restoration Act, also known as the Breaux Act, would have to pay for the dredging. Yet, because of the uncertainty surrounding the effectiveness of the West Bay project, the Breaux Act task force has instead voted to use its available funds on several other diversion projects located upriver.

**Source:** Mark Schleifstein, *West Bay diversion project on Mississippi River to end*, The Times Picayune (January 20, 2010)(On file with LSGLPP).

### **Bayou Lafourche freshwater project stalled**

Because construction bids exceeded the state funding of \$20 million, efforts to increase freshwater flow down Bayou Lafourche stalled in October. The project was initiated after Hurricane Gustav defiled Bayou Lafourche, leaving nearly 300,000 residents with tainted water. The project was originally predicted to be complete by the end of 2009, but the latest delay means that the project will not commence until the 2010 winter. The construction costs at issue mainly center upon the cost of dredging the bayou, and officials hope to begin the dredge bidding process as soon as possible. Even so, the dredging will not be complete by the 2010 hurricane season.

**Source:** *Bayou Lafourche freshwater project stalled over cost problems*, The Daily Comet (October 20, 2009)(On file with LSGLPP).

### **Mississippi River diversion could create new land**

Scientists affiliated with the National Science Foundation calculate that diversions in the Mississippi River south of New Orleans could build an extensive amount of land. David Morhig, a geologist from the University of Texas, claims that a computer model shows that river sediment can offset anticipated land loss due to erosion and rising sea levels. Natural sediment deposition has been severely altered by the levee system along the Mississippi, forcing the sediment to flow to the Gulf of Mexico. The proposed diversions could help remedy this occurrence by depositing nearly half of the river's flow to areas where wetlands would likely be created by the sediment. Critics claim that dams have reduced the sediment amount to such a degree that the diversions would not be productive and that continued sea level rise and land sinking rate make restoration impossible. However, the computer model provides data that indicates that land would be created, even with conservative variables regarding the amount of sediment and river flow.

**Source:** Science Daily, *Diverting sediment-rich water below New Orleans could lead to extensive new land* (October 20, 2009) (On file with LSGLPP).

### **Caernarvon and Davis Pond diversion projects changes urged by state**

In October 2009, the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation approved resolutions that support optimizing the Caernarvon and Davis Pond Diversion projects. The Davis Pond Diversion, completed in 2002, pumps an average of 5,000 cubic feet of fresh water per second from the Mississippi River into the Barataria Basin. State officials claim it has the capacity to pump more than twice that amount. The resolutions urge the U.S. Army Corps of Engineers "to recognize that land loss in the Barataria Basin under the current management practices of the Davis Pond Diversion continues at an alarming rate." The resolutions state that increased fresh water will result in increased wildlife and fisheries habitat as well as other ecological benefits. Two meetings were held--one for each project--in order to receive comments on changes to the projects.

**Source:** Amy Wold, *Diversion project changes urged*, The Advocate (October 7, 2009), and Matt Scallan, *Davis Pond Diversion should get more use, officials say, despite threat to oyster beds*, The Times Picayune (October 6, 2009)(On file with LSGLPP).

### **Hydrokinetics proposed for Mississippi and Atchafalaya rivers; funding an obstacle**

Hydrokinetics, the process of using water flow to create electricity, is a burgeoning industry that may see its developmental stages in Louisiana. Plans to implement many small hydrokinetic power plants in the Mississippi and Atchafalaya rivers may come to fruition if several firms can secure federal funding. The Federal Energy Regulatory Commission reports that 35 permits have been granted to four companies for such projects in Louisiana. Free Flow Power Corp., which wants to install approximately 180,000 turbines between St. Louis and New Orleans, claims that its projects when fully functional would generate enough electricity to power approximately 1.6 million homes. However, placing such structures in rivers is a new idea and has not been thoroughly researched. Because the projects include turbines that resemble jet engines, hydrokinetic power plants could create environmental concerns, such as injuries to fish. Moreover, because the technology is in its pre-developmental stage, the potential for profit and the speed by which profit can be made are unknown. Even so, companies such as Free Flow have been successful in obtaining some federal grants.

**Source:** Ted Griggs, *Hydro funds may be hard to find*, The Advocate (October 12, 2009) (On file with LSGLPP).

### **Program focuses on hydrokinetic potential**

Riversphere, a project supported by the Tulane/Xavier Center for Bioenvironmental Research, plans to include hydrokinetic studies at its facility in New Orleans. Riversphere will work with several companies who plan to introduce into the Mississippi River hydrokinetic turbines as a renewable energy source. At the Riversphere facility, studies will center upon the potential effects of the turbines, such as sediment dispersion, navigation issues and the effects upon fish and wildlife. The facility is to be located on a seven and a half acre site on the shore of the Mississippi River, as part of Tulane University's plan for a full-time riverside campus.

**Source:** Alex Woodward, *A Tulane University program looks to the Mississippi River for Renewable Energy*, The Gambit (July 27, 2009) (On file with LSGLPP).

### **Study: Tropical region fisheries to be negatively impacted by climate change**

Fisheries in tropical regions will suffer significant losses by the year 2055 due to climate changes, according to a new study led by the University of British Columbia and Princeton University. The study indicates that climate change will cause fisheries in tropical regions to experience drops of up to 40%, while fisheries in high-latitude areas will see an increase in productivity of up to 70%. While the data may seem like a boon for those in northern areas, these findings could mean serious consequences for human populations in tropical regions, who rely on fisheries for their daily sustenance. The study forecasts that regions such as Alaska, eastern Russia, Norway and Greenland will experience significant fishery population increases by the year 2055, while regions such as Indonesia and the United States will see significant decreases. The study analyzed 1,066 different species that account for approximately 70% of the world's catch. They ran two models for testing, one more conservative than the other, and both more conservative than the variables forecasted by the Intergovernmental Panel on Climate Change.

**Source:** *Tropical regions to be hit hardest by fisheries shifts caused by climate change*, Science Daily (October 11, 2009) (On file with LSGLPP).

## **National Park Service proposes backfill of Barataria canals**

The National Park Service is seeking a permit from the US Army Corps of Engineers to backfill more than 20 miles of canals within the Jean Lafitte National Historical Park and Preserve, located south of Marrero. If approved, the \$500,000 project will scour the canal banks and deposit the soil and vegetation, including invasive species like the Chinese tallow tree, into the water. This, in turn, will restore the marsh. Over the years, the canals have caused several ecological problems, including the encroachment of salinity, the thriving of invasive species, and land loss. Filling in the canals will not only restore the marsh, but will also create a buffer against storm surges. The project would be funded in part by the federal stimulus bill, and the remainder would derive from a park service fund.

**Source:** Paul Rioux, *Restoring marshland in the Barataria Preserve could create a storm buffer*, The Times Picayune (October 12, 2009) (On file with LSGLPP).

## **Floating house debuts in New Orleans**

A house designed to float atop rising floodwaters was unveiled in New Orleans in October. A team of architects and graduate students, under direction of architect and UCLA professor Thom Mayne, designed the house, which according to Mayne is the first of its kind in the United States. The 1000 square-foot home was constructed through Brad Pitt's Make It Right Foundation. The long, narrow house, designed similarly to a traditional New Orleans shotgun house, includes energy-efficient features like solar panels and the ability to collect rainwater. In the event of flooding, the house will rise on guideposts for up to 12 feet. However, the house is not intended for residents to remain in it during hurricanes.

**Source:** Stacey Plaisance, *Ready for next storm? How about a floating house?* The Daily Comet (October 20, 2009) (On file with LSGLPP).

## **Coastal restoration efforts need better federal level coordination**

A group of elected officials, foundations, non-profits and government agencies sent a letter to President Obama requesting better federal agency coordination and the reconciliation between contradictory policies. The letter was sent in anticipation of Obama's Ocean Policy Task Force, which met in New Orleans in October. According to a press release from the Environmental Defense Fund, the letter outlines five goals the federal government should adopt:

- Complete the restoration projects authorized by Congress in 2007.
- Coordinate resources of different federal agencies involved in restoration.
- Develop multi-year budgets for projects.
- Complete the planning, design, and management efforts that have been authorized.
- Reconcile inconsistent federal policies.

Of the above concerns, funding, federal coordination and policy consistency are considered vital for the long term future of coastal restoration efforts.

**Source:** Amy Wold, *Federal level coordination to help goal to combat gulf coast erosion*, The Advocate (October 15, 2009)(On file with LSGLPP).



### **Urban planner critical of New Orleans master plan**

Paul Sedway, a nationally-renown urban planner hired by the Bureau of Governmental Research in New Orleans, said that the New Orleans Master Plan should not be passed as it is because it does not provide basic guidance for land-use issues. The plan, when adopted, would have the force of law, meaning that land-use and zoning provisions must be followed. However, according to Sedway, land-use issues should be the foundation of any master plan, and in this case the plan is too broad and does not mention land use until the very end of the document. Sedway recommends that the city delay passage of the plan until the authors of the plan implement more land use and development policy. Despite Sedway's critique, the Bureau of governmental Research has posted the plan on its website. Public hearings were to begin on November 10, 2009.

**Source:** Rebecca Mowbray, *Urban planner knocks proposed New Orleans master plan*, The Times Picayune (October 14, 2009)(On file with LSGLPP).

### **Speakers: Coastal restoration depends on link between Gulf of Mexico and Mississippi River**

A panel of speakers recently argued to the federal Ocean Policy Task Force that the health of the Gulf of Mexico is connected to the management of the Mississippi River Delta. Over 300 people attended the fifth regional meeting organized by the task force. Among the speakers were scientists, nonprofit representatives and state officials. One vital issue is river sediment, essential to restring the coast, claimed LSU professor Robert Twilley. Moreover, federal agencies must have a key role in allowing the sediment to reconnect with coastal wetlands. Mark Davis, of Tulane University, emphasized the issue of upriver health. Other issues included offshore aquaculture, offshore oil and gas leases, and recreational fishing as a matter of national policy.

**Source:** Amy Wold, *Panel: Gulf, river interdependent*, The Advocate (October 20, 2009)(On file with LSGLPP).

### **LSU students assist coastal rebuilding**

Graduate and undergraduate students with the LSU Robert Reich School of Landscape Architecture will assist with rebuilding coastal communities damaged by hurricanes. In Cameron, Plaquemines and St. Bernard parishes the students will design recreational fishing areas, to include picnic benches and informational kiosks. In St. Charles parish, the students will work to design access through a new levee or floodwall to Bayou Des Allemands. Louisiana Sea Grant provided \$10,000 in grants for the fishing area projects and \$9,500 for the levee/floodwall project. As part of the Sea Grant funding, students will also submit a report to the Louisiana Recovery Authority.

**Source:** Amy Wold, *Students assist areas with ideas on rebuilding*, The Advocate (October 20, 2009) (On file with the LSGLPP).

### **National Saltwater Angler Registry recently launched**

The National Saltwater Angler Registry was officially launched on January 1, 2010. The registry aims to collect the contact information of saltwater anglers in an effort to record and collect data used to set fishing limits to effect other recreational fishing rules. The registry will help form a national list of saltwater anglers, to which the National Oceanic and Atmospheric Administration will send surveys pertinent to the conservation of saltwater fisheries. While residents of some

states must register, Louisiana residents who have saltwater fishing licenses will not need to register because their contact information has already been recorded.

**Source:** Dee Dee Thurston, *New registry aims to collect anglers' contact information*, The Daily Comet (January 3, 2010)(On file with LSGLPP).

### **Audubon Society may allow oil and gas drilling at sanctuary**

The Paul J. Rainey Sanctuary, a 26,000-acre tract of wetlands located in Vermillion Parish and owned and protected by the Louisiana Audubon Society, may be the location of oil and gas drilling. Normally the Audubon Society would be adverse to such a proposition, but after Hurricane Rita caused a major hole in an oil canal, the marsh at the sanctuary continues to suffer extensive damage that cannot be alleviated without more funding. Therefore, the Audubon Society is considering opening parts of the sanctuary to drilling. According to G. Paul Kemp, director of Audubon's Gulf coast Initiative, the Audubon Society is considering the requirement of newer drilling technology that would reduce the detrimental effects of such activities. In contrast, the State of Louisiana allows drilling permits without requiring new technology.

**Source:** Jen DeGregorio, *Audubon Society considers allowing oil and gas drilling at sanctuary in Vermillion Parish*, The Times Picayune (January 3, 2010)(On file with LSGLPP).

### **Louisiana marketing carp as food source**

The Louisiana Department of Wildlife and Fisheries has begun a marketing campaign to promote the fishing and eating of two species of Asian carp. The carp, marketed as silverfin, are an invasive freshwater species found throughout Louisiana waterways. Silverfin were introduced to Louisiana waterways as a means to control algae, but now their expansive population threatens native species as well as boaters, who risk colliding with the large fish that often jump several feet out of the water. Silverfin must be immediately bled and chilled after it is caught. If cleaned and processed correctly, the meat is described as white and tasty, a cross between "crabmeat and scallops." The LSU AgCenter has developed two methods of efficiently deboning silverfin, which should help anglers who had previously avoided the bony fish.

**Source:** Tommy C. Simmons, *State touts fishing for silverfin*, The Advocate (January 15, 2010)(On file with LSGLPP).

### **Offshore aquaculture potentially affected by bill**

The National Sustainable Aquaculture Act of 2009 would, if passed, ban the development of development of commercial fish farms on existing oil or natural gas platforms in the Gulf of Mexico and make it more difficult to obtain offshore aquaculture permits. Rep. Jo Bonner R-Alabama argues the bill would damage the local economy if it were passed. Many believe that the fuel platforms allow for ideal conditions and locations for offshore commercial fish farms. Promoters of the industry also point out that these farms could save dwindling fish populations and create jobs. However, opponents argue that the farms, which would create pollution and an overabundance of antibiotics and chemicals, could be detrimental to the natural habitat. Furthermore, allowing offshore fish farms would induce foreign companies to locate in their operations in the Gulf of Mexico. Even so, the Gulf of Mexico Fishery Management Council approved the plan to introduce offshore fish farms in January. At this point, the proposal to allow fish farms is awaiting final federal approval. The bill, if passed, could ban such operations.

**Source:** Ben Raines, *Bill banning use of offshore platforms for fish farms could affect gulf aquaculture*, Mobile Press-Register (December 31, 2009) (On file with LSGLPP).

### **U.S. Representatives consider improved flood protection for Slidell**

In an effort to obtain funding for improved flood control along the north shore of Lake Pontchartrain, U.S. Representative Steve Scalise hosted Rep. John Boozman, ranking member of the U.S. House of Representatives Water Resources and Environment Subcommittee, on a recent tour of the area. Scalise is trying to convince the subcommittee to approve a levee project in the Slidell area as a part of the Water Resources Development Act. Among other improvements, the \$100 million project would strengthen the current system and would connect the levees where they are currently separated. One potential problem with passage of the plan would be that some of the area falls beyond the purview of the Army Corps of Engineers, who would build the system.

**Source:** Kia Hall-Hayes, *U.S. Representatives tour Slidell, talk flood protection*, The Times Picayune (January 18, 2010)(On file with LSGLPP).