



State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF COASTAL MANAGEMENT
January 17, 2013

Loland Broussard
Natural Resources Conservation Service
646 Cajundome Blvd., Suite 180
Lafayette, LA 70506

RE: **C20120358**, Coastal Zone Consistency
Natural Resources Conservation Service
Direct Federal Action
Non-Rock Alternatives to Shoreline Protection Demonstration CWPPRA Project LA-16,
Jefferson, Lafourche, and Iberia Parishes, Louisiana

Dear Mr. Broussard:

The above referenced project has been reviewed for consistency with the approved Louisiana Coastal Resource Program (LCRP) as required by Section 307 of the Coastal Zone Management Act of 1972, as amended. The project, as proposed in the application, is conditionally consistent with the LCRP.

Pursuant to NOAA regulations on federal consistency at 15 CFR §930.4(a)(1), a conditional consistency concurrence must include the specific actions which must be satisfied in order to be consistent to the maximum extent practicable with the approved state program; an explanation of why these conditions are necessary, and an identification of the relevant enforceable policies.

Explanation of necessity:

1. Confidentiality agreements with the contractors who will construct the project features prevents NRCS from describing in detail the specific facilities to be installed and their exact locations, while the project is in the final engineering and design phase.
2. The shoreline protection features and materials will eventually fall into disrepair, posing potential hazards to boaters and other coastal users.

Conditions:

In order for the referenced project to be consistent, to the maximum extent practicable with the LCRP, the following condition(s) must be met:

1. When the final engineering and design phase reaches a point where confidentiality is no longer required, but no later than 90 days prior to planned construction, NRCS will provide to OCM the complete details of construction, construction materials, location and areal extent of each of

the proposed shoreline protection features, along with a consistency determination, plats and cross-sections.

2. The shoreline protection features will be maintained for as long as they are in place, and will be removed at the end of the demonstration or the end of their useful service life.

Enforceable policies:

Relevant enforceable policies may be found in Coastal Use Guidelines in the Louisiana Administrative Code Title 43, Part I:

§701 F. Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines:

1. type, nature, and location of use;
3. techniques and materials used in construction, operation, and maintenance of use;

§709 G. Neglected or abandoned shoreline modification structures, piers, docks, and mooring and other harbor structures shall be removed at the owner's expense, when appropriate.

NOAA Regulations at 15 CFR §930.4(a)(2) state that the federal agency shall modify its project proposal pursuant to the State agency's conditions. The federal agency shall immediately notify the State agency if the State agency's conditions are not acceptable. Section 930.4(b) states that, if the requirements of §930.4(a)(1) through (3) are not met, all parties shall treat the State agency's conditional concurrence as an objection pursuant to §930 Subpart C.

Finally, 15 CFR §930 subpart G provides for mediation of this decision by the Secretary of the Department of Commerce, should NRCS strongly disagree with this determination.

If you should have any questions on this matter, please contact Jeff Harris of the Consistency Section at (225) 342-7949.

Sincerely,



Keith Lovell
Acting Administrator
Interagency Affairs/Field Services Division

KOL/jdh

cc: Martin Mayer, COE-NOD
Charlie Mestayer, OCM
Frank Cole, OCM
Richard Hartman, NMFS

David Butler, LDWF
Kirk Kilgen, OCM
Archie Chaisson, Lafourche Parish
Jason Smith, Jefferson Parish