

Louisiana Coastal Communities & Sea Level Rise



MELISSA TROSCLAIR DAIGLE

**LOUISIANA SEA GRANT
LAW & POLICY PROGRAM**

NOVEMBER 15, 2012

South Louisiana is all too familiar with SLR



- **Plaquemines Parish - normal high tide**



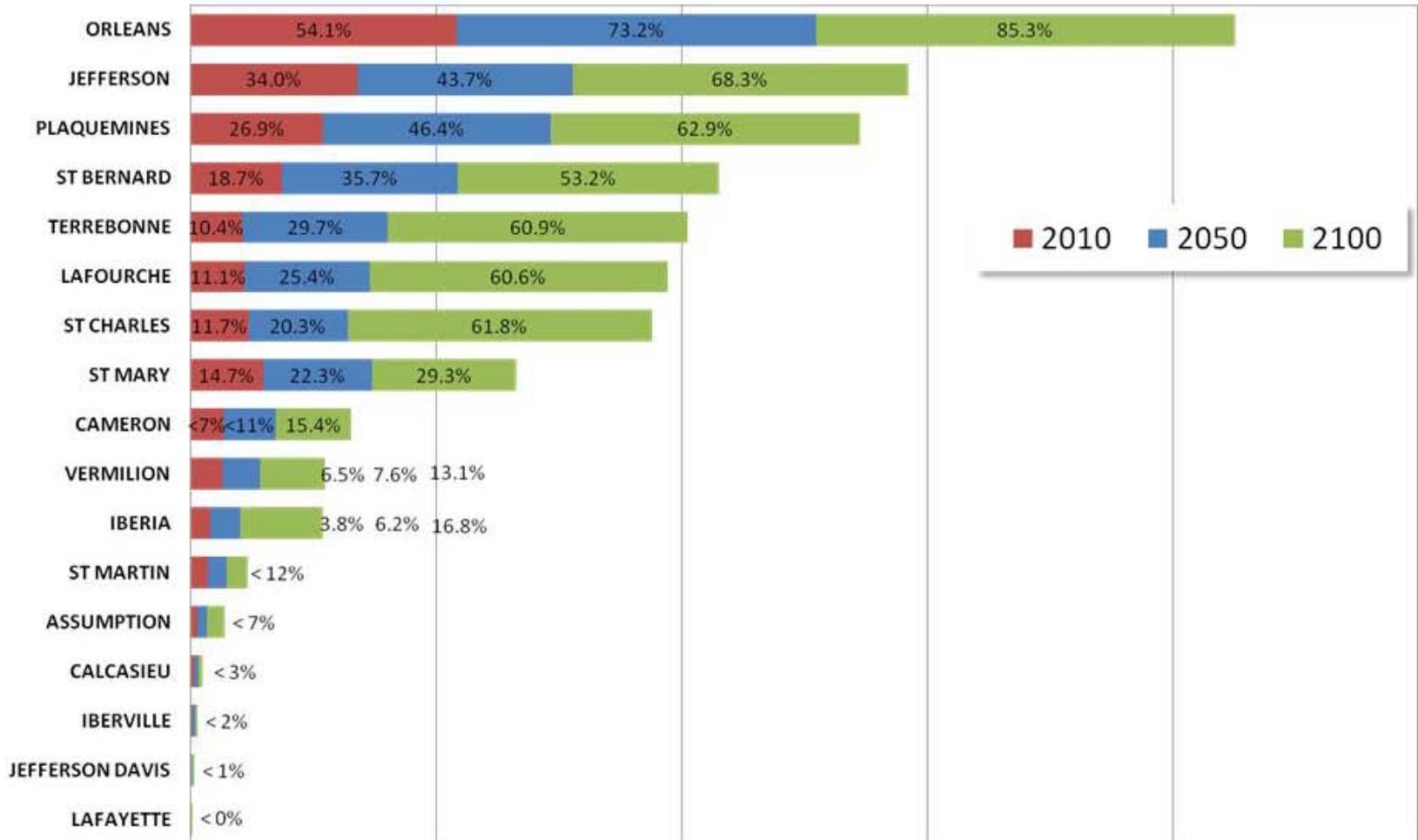
Photos courtesy of Tim Osborne

...and land loss



**Monument Panel Point about
2 1/2 weeks after installation**

Percent of Land Below Sea Level



Sea Grant Climate Survey

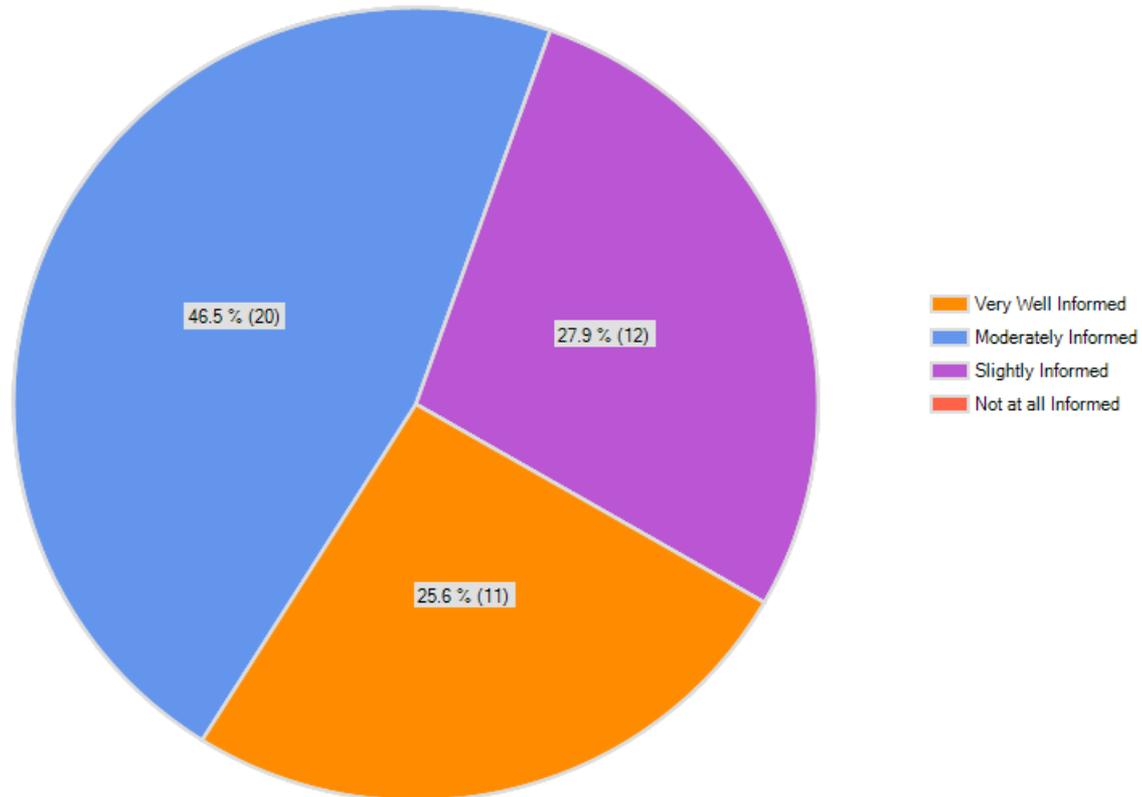


- **257 local government officials contacted**
- **Given 4 weeks to complete survey with multiple reminders sent**
- **43 surveys completed**

Sea Grant Climate Survey



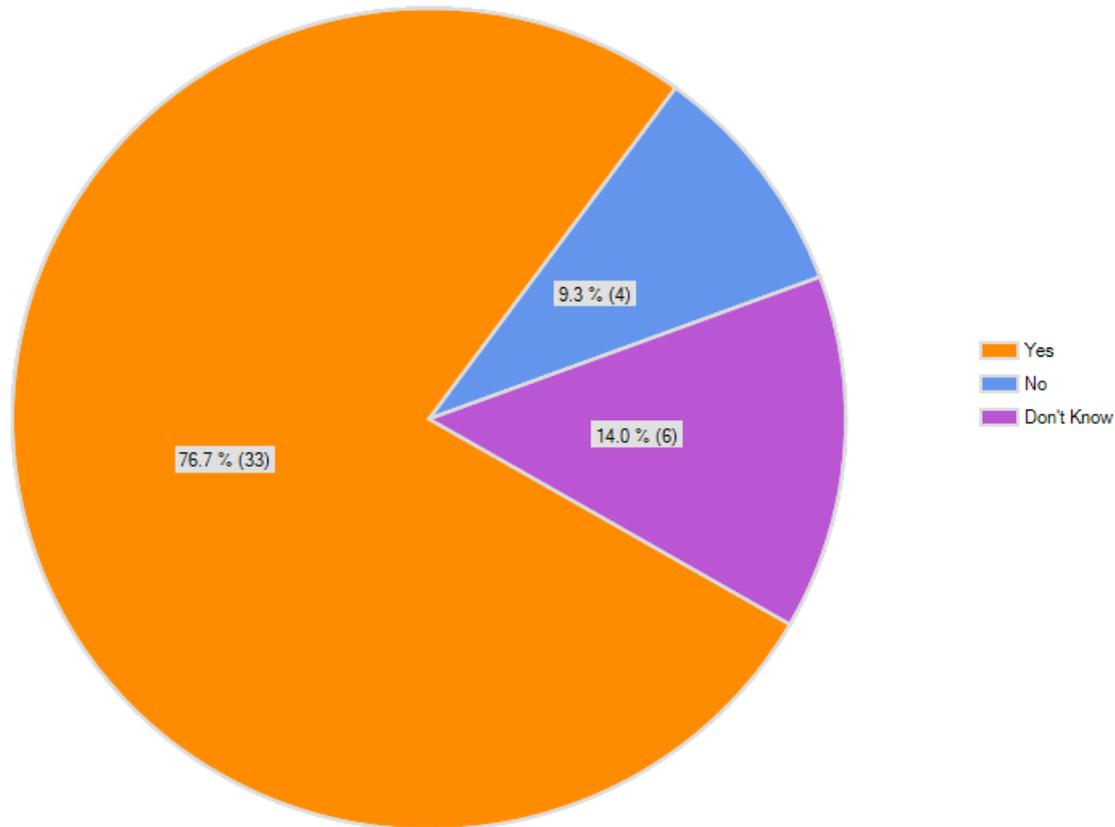
How well informed are you about the effects of a changing climate in your area?



Sea Grant Climate Survey



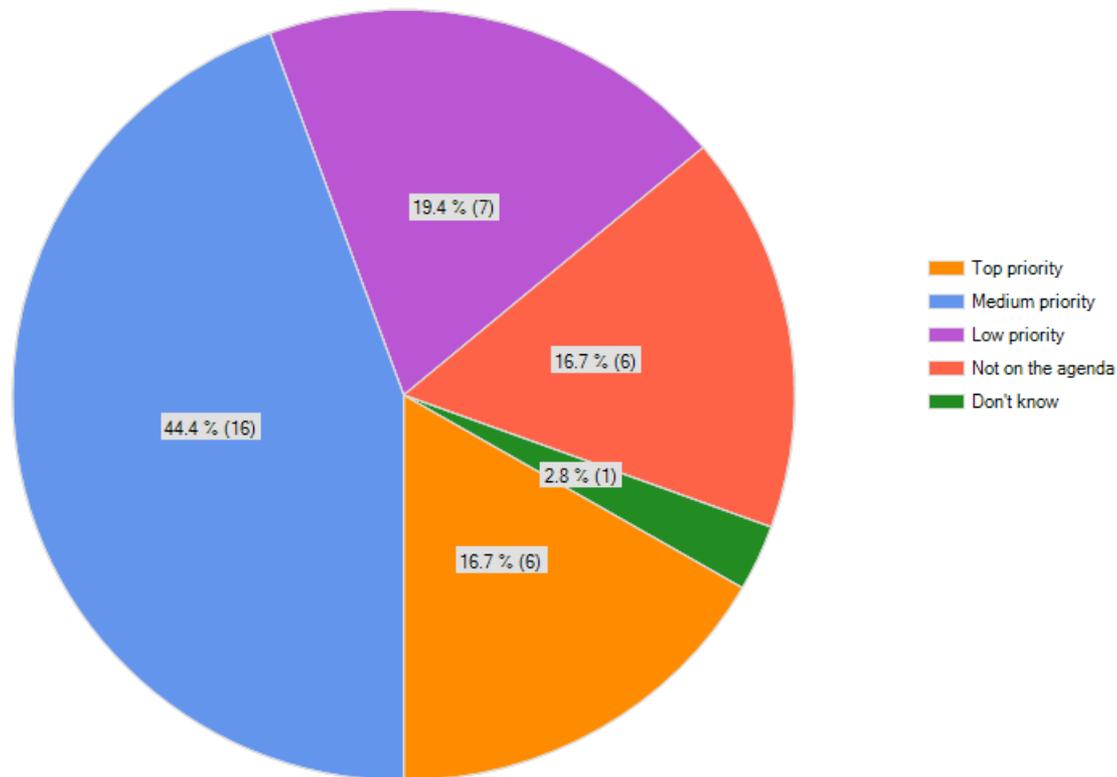
Do you think the climate in your area is changing?



Sea Grant Climate Survey



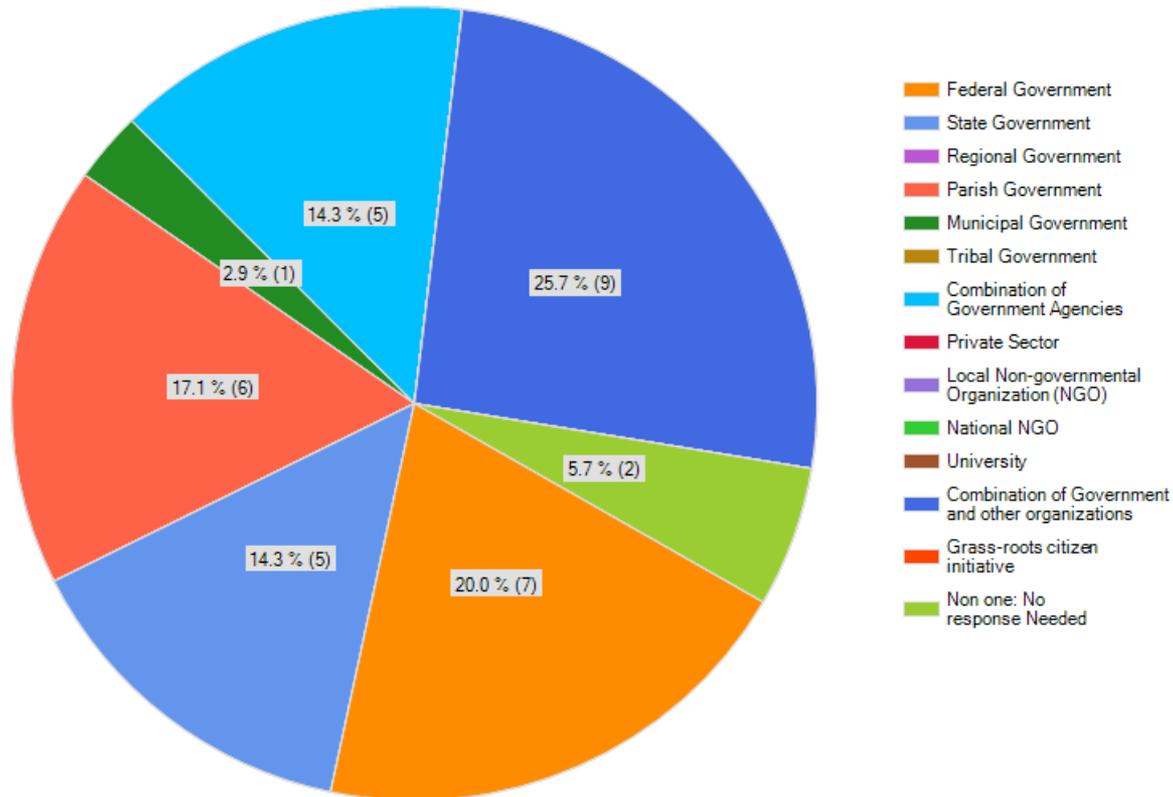
Please rate how important it is in your work to address climate change through "adaptation," efforts to plan or prepare for, or manage the projected impacts of climate change.



Sea Grant Climate Survey



In your opinion, who should initiate a local response to the likely effects of a changing climate? (Please select one).



Gaps in Hazard Planning



- **Construction standards allow for hazardous construction in hazardous areas**
 - Most parishes only require that construction meet the FEMA Base Flood Elevations
 - There are few scientific standards for the floodplain administrator to use in approving or denying a permit
 - Few communities have subdivision standards, even less have land use plans
 - Most communities do not have precise drainage requirements and have no enforceable standard – must simply have “adequate drainage”
 - Lack of penalties or insignificant penalties in most parishes

Potential for Local Government Liability



- *Eschete v. City of New Orleans* – 1971
 - Plaintiffs sued city for authorizing the building of a new subdivision in an area that the city knew was subject to flooding, and development led to flooding of plaintiff's home
 - New Orleans asserted that the Plaintiffs had no cause of action

Potential for Local Government Liability



- *Eschete v. City of New Orleans*

- Louisiana Supreme Court holding:

“The City of New Orleans seeks to avoid the effect of these allegations by asserting it has no control over drainage and that, under LSA-R.S. 33”4071, such drainage is the sole responsibility of the Sewerage and Water Board. Assuming that the statute does vest the responsibility for draining in the Sewerage and Water Board, the cause of action against the City is unaffected. The plaintiffs are seeking to hold the City, not for failing to provide adequate drainage, but for fault in adding new subdivisions, thus increasing the volume of water in the drainage area. In effect, according to the petition, the power to grant or withhold consent for new subdivisions in the Pines Village drainage area effectively controlled the volume of water being discharged in that are. For its fault, the City may be held liable.”

Potential for Local Government Liability



- **Other cases follow Eschete**

- *McCloud v. Parish of Jefferson* – Parish found liable when they approved new subdivisions that they knew would overtax the drainage system and cause flood damage to plaintiffs property
- *Pennebaker v. Parish of Jefferson* – Court allows cause of action where parish approved new subdivision and performed public works projects that increased surface runoff, which resulted in flood damage to plaintiff's property
- *Keich v. Barkley Place* – Plaintiffs sought preliminary injunction to prevent the City of Baton Rouge to authorize development of new subdivisions that would exacerbate flooding. Preliminary injunction was denied, but court stated that the plaintiffs would have a cause of action if their homes were damaged by flooding caused by the new development

Three Case Studies: St. Tammany Parish, Cameron Parish, & Lafourche Parish



St. Tammany Parish



- **Fast-growing parish on the north shore of Lake Pontchartrain**
 - 2000 Population – 191,268
 - 2010 Population – 245,000
- **Most progressive development regulations in the state**
 - Require a permit for clearing, grubbing, grading, displacement or removal of dirt
 - Permit requirements are strictly stated to keep enforcement uniform throughout the parish.

St. Tammany Parish



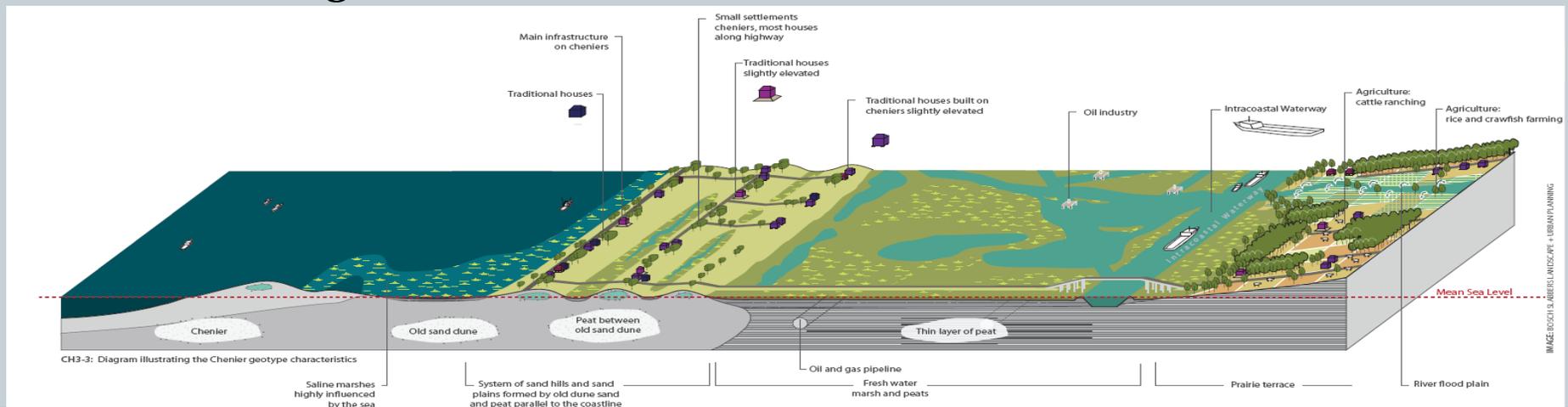
- **Extensive drainage regulations**
 - Drainage and paving plan must be stamped and certified by a licensed LA State Registered Engineer
 - ✦ Commercial, industrial, institutional, and multi-family
 - Goal: improve pre- and post-development runoff based on a 25-year storm event

- **Developers must consider impacts**
 - No subdivision and fill associated with lot development unless it will not result in a reduction of the 100-year flood-plain storage capacity.

Cameron Parish - Cheniers



- Coastal Zone Management Ordinance – Sept. 2012
 - Classifies cheniers as “critical landforms”
 - ✦ Unique geological features that are critical components of the ecology of coastal Louisiana
 - ✦ Serve as critical wildlife habitat
 - ✦ Offer substantial protection against coastal storm surge and flooding



Cameron Parish - Cheniers



- **Coastal Zone Management Ordinance**
 - Prohibits (to the maximum extent practical) surface alterations that have high adverse impact
 - Police Jury has discretion
 - ✦ Applicant for activity must show overriding reason for activity, including but not limited to environmental remediation plans
 - Some uses are subject to a strict coastal program review, including
 - ✦ Open pit mining, commercial or otherwise
 - ✦ Large scale excavations not incidental to environmental remediation
 - ✦ Timber harvesting
 - ✦ Any other uses that would severely degrade the structural integrity of the cheniers

Port Fourchon, Lafourche Parish



Photo courtesy of Tim Osborne

Leeville Bridge: Designed to withstand 100 year storm surge impacts



www.gulfcoastairphoto.com
Slidell, LA 985.788.3458
"Ready when you are."

Photo courtesy of Henri Boulet

Leeville to Port Fourchon Highway: Designed to withstand 100 year storm surge impacts



Photo courtesy of Henri Boulet

Road During Hurricane Gustav

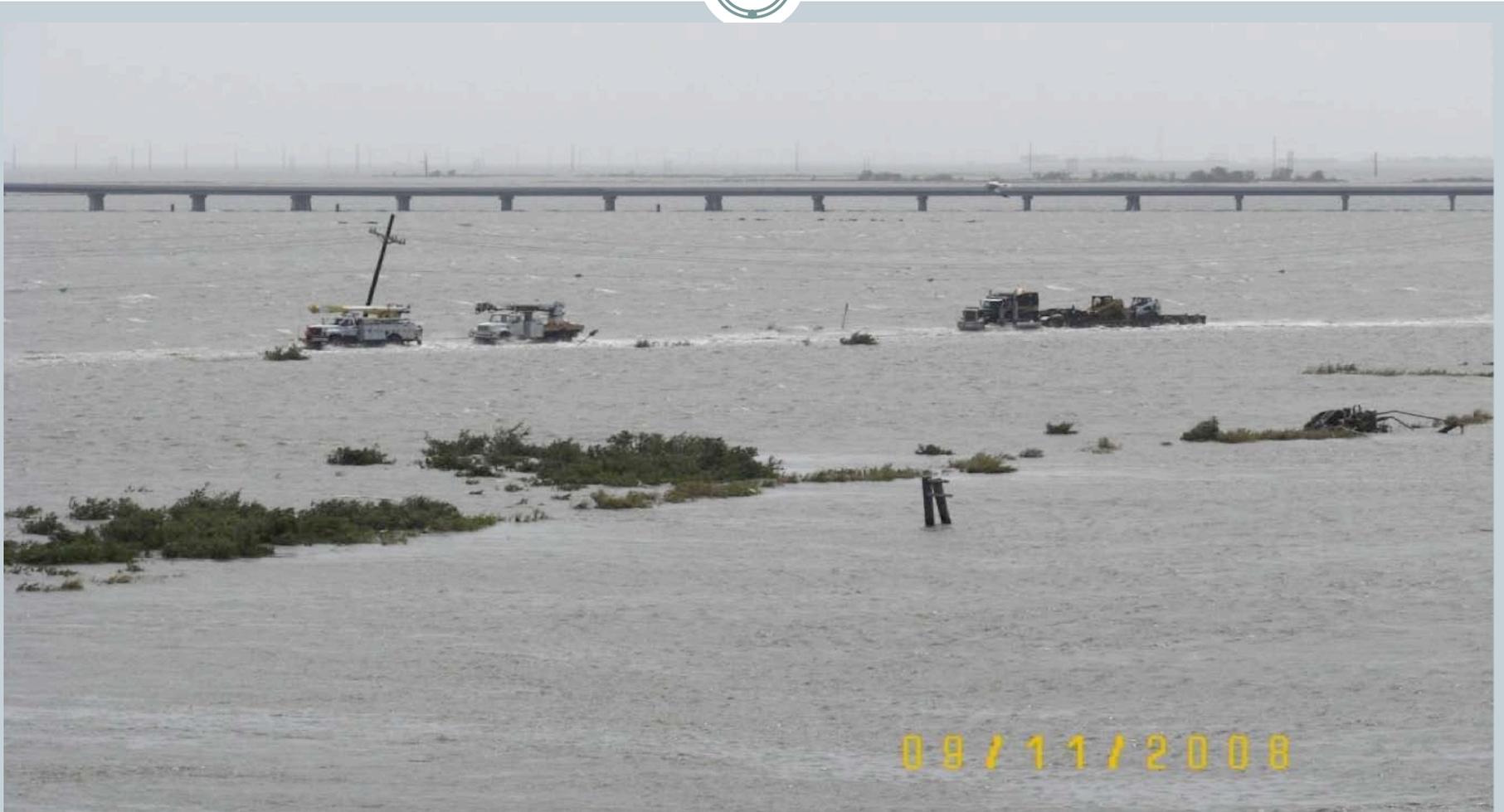


Photo courtesy of Henri Boulet

Questions?



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