U.S. Senator David Vitter's

Comprehensive Action Plan For Saving Louisiana's Coast

U. S. SENATOR

David Vitter

Dear Friend:

Louisiana's coast is vanishing. We lose about 35 square miles of coastal wetlands every year – an astonishing figure. That's like losing a football field of land every 38 minutes – and the clock never stops ticking. So far, almost 1.3 million acres of Louisiana wetlands have disappeared.

That's why I'm introducing COAST – a comprehensive action plan to save our coast. COAST consists of five bills to address the challenge in a thoughtful, detailed way.

This is by far the most comprehensive action plan to fight coastal erosion ever proposed in the U.S. Congress. And it takes a fresh approach – to overcome the pitfalls we've experienced with CARA and similar bills.

It also focuses on the central role of the U.S. Army Corps of Engineers and takes advantage of the fact that I serve on the Senate Environment and Public Works Committee, with jurisdiction over the Corps.

The five bills in the COAST plan are as follows:

1. ***Comprehensive Ecosystem And Security Enhancement (CEASE) Act*** *– To authorize $1.9 billion for the Louisiana Coastal Area (LCA) study.*
2. ***Offshore Fairness Act (OFA)*** *– To extend the seaward boundary of Louisiana to approximately nine miles, just like Florida and Texas, so we receive similar royalties from energy production.*
3. ***Alternative Energy Enhancement (AEE) Act*** *– To open the Outer Continental Shelf to alternative energy production and create a revenue stream to be shared by the federal government and the states.*
4. ***Secure Energy Reinvestment Fund (SERF)*** *– To require more equitable sharing of oil and gas royalties.*
5. ***Together – Immediately Defeating Erosion (TIDE) Act*** *– To authorize the federal agencies under Senate Commerce Committee oversight to participate in the implementation of the LCA restoration program.*

The following pages outline the five bills of the COAST plan in some detail. Please review them carefully and let me know what you think. Our very survival is at stake.

Sincerely,

David Vitter
U.S. Senator

Comprehensive Ecosystem And Security Enhancement (CEASE) Act

Bill Purpose. The CEASE Act provides a solid state-federal framework for the implementation of a long-term, multi-billion dollar plan to restore Louisiana's coast, including by authorizing up to $1.9 billion in federal funds to implement coastal restoration activities over the next few years. Enacting this bill is necessary to ensure that future funds appropriated by Congress for coastal restoration in Louisiana or those obtained from energy royalties are spent according to a cost-effective, coordinated, comprehensive plan.

Multi-Agency Task Force. The bill calls for state and federal agencies with a stake in coastal Louisiana to form a multi-agency task force. Through this task force, the Corps of Engineers would continue to play a leadership role in our coastal restoration efforts, with the Environmental Protection Agency, as well as the U.S. Departments of Commerce, Agriculture, Interior, Transportation, and Energy playing supporting roles.

Science And Technology Program. It also establishes a $100 million science and technology program over the next several years. This program will ensure that our taxpayer funds are spent on proven methods of restoration. Louisiana's network of researchers and scientists, through the Coastal Restoration and Enhancement through Science and Technology (CREST) program, will provide the answers we need to efficiently and effectively restore coastal Louisiana.

Use Of Dredged Material. Millions and millions of dollars are spent in Louisiana annually to dredge our navigation channels. This same material that is dredged from our waterways could be used to restore our coastal areas. This bill would authorize $100 million for the coordination of dredging and restoration efforts to restore our coast through the Corps of Engineers.

MRGO. The CEASE Act authorizes $287 million for the restoration of the Mississippi River Gulf Outlet (MRGO) ecosystem. The Corps of Engineers would have one year to complete a plan for the modification of the MRGO to address saltwater intrusion, environmental restoration, navigation, and threats to life and property. The installation of a structure to prevent saltwater intrusion is specifically authorized under this act.

Offshore Fairness Act (OFA)

Bill Purpose. This bill would correct an injustice in current law by making the seaward lateral boundaries of the states of Louisiana, Mississippi, and Alabama – currently at about three geographical miles – equal to those of Florida and Texas – at about nine geographical miles.

Current Boundaries. By current law, the state seaward boundaries of Louisiana, Mississippi, and Alabama are about three geographical miles. Those of Texas and Florida are approximately nine geographical miles. This disparity dates back hundreds of years and is grounded in the conditions under which the various states were accepted into the union. Seaward boundaries initially were based upon the territorial jurisdiction established by previous crowns.

Historical Background. The federal Submerged Lands Act of 1953 provided that each state could exercise jurisdiction over certain waters off its own coast. For states on the Gulf of Mexico, this 1953 federal law specifically provided that each state could claim a state seaward boundary of up to three marine leagues (about nine geographical miles) if the state could prove that a claim to these waters existed prior to the state's admission to the union. Louisiana, Mississippi, and Alabama lacked the documentation to demonstrate that the then-territories ever exercised jurisdiction or a claim over waters extending to three marine leagues. As a result, by law, their seaward lateral boundaries do not extend as far as those of Florida and Texas, which entered the union as states, not territories.

Equity Among States. This bill would eliminate this unfairness by making the seaward boundaries of the gulf coast states equivalent for purposes of federal law. Regardless of the conditions under which they entered the union, all five of these states would have seaward boundaries of three marine leagues – approximately nine geographical miles.

New Revenue For Louisiana. Existing oil and gas leases would either continue to be administered by the U.S. Mineral Management Service, or the State of Louisiana would administer the leases under terms negotiated with the lessees. Royalty revenues from this extended seaward boundary could reach from $500 million to $1 billion a year in additional revenue to the State of Louisiana.

The Offshore Fairness Act would extend Louisiana's seaward boundaries from about three geographical miles to approximately nine geographical miles – equal to the seaward boundaries of Texas and Florida.

Alternative Energy Enhancement (AEE) Act

Bill Purpose. This bill has two purposes. The first is to encourage alternative uses of our federal offshore waters. The second is to set up a royalty-sharing mechanism by which states, such as Louisiana, would receive a new source of revenue associated with offshore alternative energy production.

Alternative Uses Of The Outer Continental Shelf. Under current law, the federal government has the authority to manage certain existing uses of the Outer Continental Shelf (OCS), such as fisheries and oil and gas production. However, the government lacks such authority over new, potential uses of the OCS, including alternative energy production (e.g., wind farms and other projects to capture solar energy, thermal energy, wave energy, or methane hydrates). This legislation will establish a clear framework for new uses of OCS resources.

Royalty-Sharing Mechanism To Benefit States. This legislation would authorize the federal government, through the U.S. Department of the Interior, to authorize royalties on revenue derived from activities such as alternative energy production in the federal waters of the United States. This is similar to the royalties on revenue derived from oil and gas production in such waters presently authorized under current law. This legislation also sets up a royalty-sharing mechanism by which the federal government would share with states the royalties derived from these alternative energy-producing activities in federal waters.

Reinvestment Of Funds Into Energy Technologies. The bill also dedicates a portion of these revenues to improve energy technologies to ensure that we reduce our dependence on volatile sources of foreign oil and gas.

No Budget Problems. Every effort Louisiana has proposed to share oil and gas royalties has been defeated due to the budgetary impact on the federal government. This plan eliminates budgetary hurdles by requiring that royalties on new energy sources be shared with states from the very beginning – before the federal government becomes dependent on them.

Offshore wind turbines like these pictured could be used in the Outer Continental Shelf for alternative energy production under this legislation with Louisiana sharing in the royalties.

Secure Energy Reinvestment Fund (SERF)

Bill Purpose. The purpose of the SERF Act is to provide for more equitable revenue sharing of offshore oil and gas royalties. If enacted, the federal government would have to return a larger percentage of the royalties derived from offshore oil and gas production to offshore energy-producing states, such as Louisiana.

Royalties Derived From Offshore Oil And Gas Production Under Current Law. Under current law, the federal government keeps all but a tiny percentage of the royalty receipts derived from oil and gas production in offshore federal waters. Thus, for example, the federal government in 2001 collected over $5 billion in royalty receipts associated with oil and gas production off the Louisiana coast, but returned under $30 million of those receipts to our state – less than one-half of 1 percent.

Royalties Derived From Onshore Mineral Production Under Current Law. In stark contrast, current federal law requires that *at least half* of the royalties derived from mineral production on federal lands (onshore) must be returned to the state in which that mineral production takes place. In 2001, for example, the states of New Mexico and Wyoming received a total of $800 million in royalty receipts on nearly $1.6 billion in total royalty revenues associated with mineral production on federal lands inside both states' boundaries. In the case of Alaska, the law is even more generous: that state gets 90 percent of royalties from minerals produced on many federal lands within the state.

Benefits to Louisiana. Under this legislation, all six offshore energy-producing states – including Louisiana – would receive a significantly larger share of offshore oil and gas-related royalty revenues collected by the federal government. This would ensure that Louisiana has sufficient revenues to fund a coastal restoration program. Louisiana could receive up to $2 billion over the next ten years, and more than $1.4 billion per year beginning in 2017. The U.S. House of Representatives approved similar language when it passed the Energy Policy Act of 2003.

Coastal Restoration And Enhancement Through Science And Technology (CREST) Program. The SERF Act would specifically authorize a Louisiana-based technology program called CREST, offering Louisiana's network of coastal scientist and researchers up to $10 million per year through 2016.

A study conducted by the Louisiana Mid-Continent Oil and Gas Association showed that offshore oil and gas operations taking place in the Gulf of Mexico benefit Louisiana's economy by $6 billion per year.

Together - Immediately Defeating Erosion (TIDE) Act

Bill Purpose. The TIDE Act has two goals. First, the bill authorizes up to $800 million in additional funding for the full participation of the federal resource agencies to participate in the restoration of coastal Louisiana. Second, the bill provides the authority needed to ensure there is maximum coordination and sharing of resources between the agencies involved in this restoration.

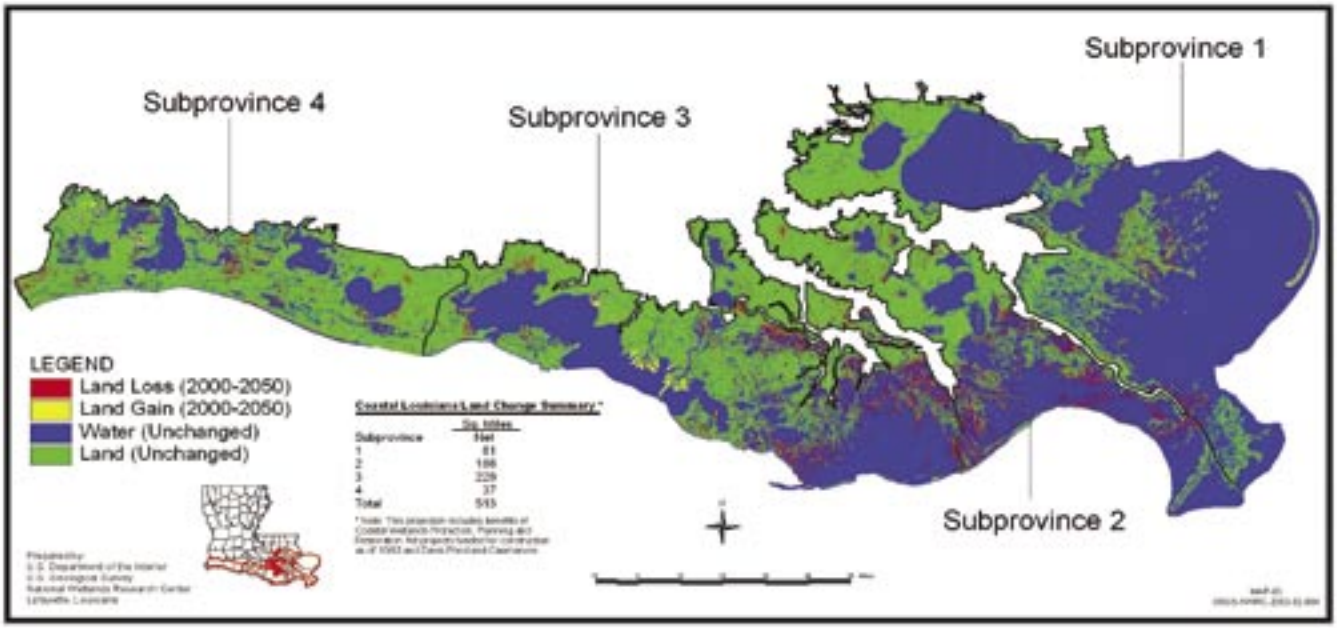
Louisiana Coastal Area Program. Currently, the Louisiana Coastal Area program is run by the U.S. Army Corps of Engineers. But restoring Louisiana's coast is much bigger than any one agency. This is a multi-year, multi-billion dollar program.

Involvement Of Other Key Federal Agencies. This bill authorizes the United States Geological Survey (USGS) to use its expertise at the National Wetlands Research Center in Lafayette and other resources to help restore the coast. The TIDE Act authorizes the United States Fish and Wildlife Service (USFWS) to offer its expertise in plant and animal habitats to state and other federal agencies to ensure that Louisiana remains a "Sportsman's Paradise" throughout the restoration process and beyond. The bill also adds the expertise of the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) to the coastal restoration implementation team.

Working Together. Currently, federal agencies are prohibited from "mixing" funds from various federal departments to complete a project. Under this plan, federal agencies would jointly plan and budget for the implementation of projects. The TIDE bill allows relevant agencies to co-mingle funds to efficiently restore coastal Louisiana.

This map shows the 20,000 square miles of coastal Louisiana included in the Louisiana Coastal Area (LCA) Study. The goal of the LCA is to reverse the current trend of degradation of the coastal ecosystem. The coastal wetlands, built by the deltaic processes of the Mississippi River, contain an extraordinary diversity of coastal habitats that range from narrow natural levee and beach ridges to expanses of forested swamps and freshwater, intermediate, brackish, and saline marshes. The LCA contains two wetland-dominated ecosystems, the Deltaic Plain of the Mississippi River and the closely linked Chenier Plain.

Louisiana Coastal Area Study Projected Land Changes, 2000-2050



Coastal Louisiana lost 1,900 square miles of land from 1932 to 2000. Louisiana accounted for an estimated 90 percent of the coastal marsh loss in the lower 48 states during the 1990s. This map shows the projected land changes from 2000 to 2050. The LCA study area was divided into four subprovinces, with the Deltaic Plain as subprovinces one, two, and three, and the Chenier Plain as subprovince four.