



St. Bernard Parish Government

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Guy McInnis
Parish President

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Louisiana Coastal Protection and Restoration Authority
150 Terrace Avenue
Baton Rouge, Louisiana 70802

Re: Oyster Lease Acquisition and Compensation Program

To Whom It May Concern:

St. Bernard Parish is home to some of the most productive oyster leases in Louisiana. Commercial oyster harvesting is an important component of the parish's economy and has major implications in terms of employment and tax revenue. St. Bernard Parish Government (SBPG) therefore has a direct interest in the sustainability of the commercial oyster harvesting industry. Please accept the below comments regarding the Coastal Protection and Restoration Authority (CPRA) *Oyster Lease Acquisition and Compensation Program: Draft Recommendations for Improvement*.

1. SBPG previously expressed concerns regarding the efficiency of the Oyster Lease Acquisition and Compensation Program (OLACP). Historically, the OLACP has only been invoked to acquire approximately 4,000 acres of oyster leases over a period of fifteen years. In such instances, the cost of a biological assessment ranged from \$25,000 to \$300,000 and the cost of an appraisal ranged from \$17,000 to \$70,000. Consequently, the OLACP seemed to be an inadequate mechanism for fairly and efficiently compensating the high volume of leaseholders who will be impacted by largescale CPRA projects statewide.

The referenced Draft Recommendations for Improvement include a number of measures that would certainly make the OLACP more efficient. However, the CPRA has made it clear that the agency intends to continue: 1) narrowly defining *direct* impacts; 2) maintaining a 150' limit on the *direct impacted area*; and 3) dismissing the adverse effects associated with largescale sediment diversions as *indirect* impacts. Although SBPG understands the legal and regulatory basis for such assertions, the likely outcomes are worth noting: 1) some of the most vulnerable leaseholders in St. Bernard Parish and elsewhere will simply be deemed ineligible for the OLACP and as a result, 2) there may be severe economic consequences. **The recommended improvements therefore fail to address SBPG's overarching concern: how will the CPRA fairly and efficiently compensate leaseholders who are adversely impacted by largescale sediment diversions?**

2. The CPRA states in its draft recommendations that it will begin to “avoid oyster leases in project planning” (ii). However, the agency’s distinction between direct and indirect impacts is critical here. It is irrelevant whether a lease is immediately (directly) impacted by a dredging project or will be adversely impacted over time (indirectly) by the persistent influx of freshwater and sediment. In both instances, the lease will no longer be suitable for oyster cultivation and economic consequences will occur. SBPG understands that implementing a \$50 billion comprehensive master plan will involve impacts to commercial oyster harvesters and other stakeholder groups. The parish also agrees that to the extent possible, the CPRA should avoid oyster leases during project planning. **However, in instances where it is simply not feasible to avoid impacts to oyster leases (i.e., largescale sediment diversions), the CPRA should: 1) publicly acknowledge the magnitude of projected impacts; 2) factor the cost of mitigating such impacts into the overall project benefit-cost analysis; 3) strongly consider less-disruptive project alternatives; and 4) be explicit about how the agency intends on compensating leaseholders and other stakeholder groups for unavoidable impacts.**

3. Finally, SBPG concurs with the comments recently submitted by Mitch Jurisich, chairman of the Louisiana Oyster Task Force (OTF). Historically, directly engaging commercial oyster harvesters has been challenging due to the nature and location of the work they perform. Those working in the industry typically have limited availability to attend meetings in-person or otherwise. However, oyster industry stakeholder groups enjoy broad representation on the OTF, an active and accessible advisory board that conducts public meetings on a regular basis and is eager to engage with the CPRA and other relevant agencies.

Jurisich’s letter cites a statute (La R.S. 56:421) outlining the OTF’s legal obligation to advise the CPRA and other State agencies on matters pertaining to the oyster industry. Aside from the legality of OTF’s advisory role, the CPRA should also have an interest in maintaining ongoing communications with the advisory board for the purpose of gaining valuable industry insight that would otherwise be impossible to ascertain. The CPRA recommendations go into great detail regarding the dynamic nature of the coastal master plan and the uncertainty surrounding restoration projects and their impacts on oyster cultivation (10 & 11). However, the agency concludes this statement by citing La R.S. 56.432.2 and suggesting that going forward, the CPRA should “present as much detail as possible regarding potential impacts to oyster cultivation of planned and possible coastal projects [...] once per year” (11). **SBPG is concerned that the CPRA has not fully engaged the OTF in the OLACP Group Study effort and is generally not communicating with the advisory board frequently enough regarding the potential impacts of coastal restoration projects on oyster cultivation.**

Thank you for your time and consideration.

Sincerely,



Guy McInnis
Parish President