

Agenda

Identifying Wetlands *S. Varnado*

- Presence of wetland vegetation
- Identification of wetland soils
- Importance of underlying wetland hydrology

Understanding Federal and Louisiana Wetlands Laws and Enforcement *R. Veith/
B. Schilling*

- The Federal Clean Water Act
- Louisiana Coastal Wetlands Conservation and Restoration Act (LCWCRA)
- Implementing/enforcing agencies
 - U.S. Army Corps of Engineers
 - U.S. Environmental Protection Agency
 - U.S. Department of Agriculture
 - U.S. Fish and Wildlife Service
 - Louisiana Department of Natural Resources

Ascertaining Ownership of Disappearing Wetlands *R. LeBreton/
A. Samuels*

- Changing footprint of wetlands
- Determining title to privately-owned wetlands and submerged lands
- Using the British Petroleum oil spill framework for resolving wetland title issues
- Using assessor's records as evidence of wetland ownership
- Resolving multiple chains of title to a single wetland parcel

Wetlands Permitting Process *A. Jacoby*

- Wetlands determinations and delineations
- Clean Water Act permits and Coastal Use Permit – key considerations
- Federal/state/local government issues
- Notice, mitigation, and compensation
- Appeals process

Wetland Preservation, Restoration, Creation and Enhancement *B. Jones*

- Understanding the importance of wetlands
 - Flood storage and conveyance
 - Pollution control and carbon storage
 - Erosion control
 - Wildlife habitat
 - Recreation
- Wetland preservation strategies and techniques
- Wetland restoration
 - Preference for onsite and in-kind restoration
 - Hydrologic considerations
 - Restoration techniques
- Wetland creation
 - Methods, benefits and drawbacks
- Wetland enhancement
 - Purposes and techniques

Louisiana Wetlands Law and Compliance

Kenner, LA - Friday, March 13, 2020



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Learning Objectives

You'll be able to:

Describe how vegetation, soil, and hydrology are used to identify wetlands.

Comply with wetland laws and regulations, including the Clean Water Act and the Louisiana Coastal Wetlands Conversation and Restoration Act.

Determine title to privately-owned wetlands and submerged lands.

Participate in the wetlands permitting process, including appeals.

Identify important ecological services provided by wetlands, including flood storage and pollution control.

Utilize wetland preservation and restoration strategies and techniques.



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Learn about wetlands identification

Review federal and Louisiana wetlands laws and enforcement

Discuss ownership of disappearing wetlands

Examine the process for wetlands permitting

Learn how wetlands provide flood storage and erosion control

Explore wetlands preservation, restoration, creation, and enhancement

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Faculty

Spencer D. Varnado, an ecologist and wetlands scientist at Geosyntec Consultants, has over 14 years of professional experience in the areas of environmental compliance, permitting, and biological investigations. His areas of expertise include environmental and biological assessments, surveys and mapping; jurisdictional wetland delineations and determinations; regulatory permitting and compliance monitoring with various state and federal agencies; wetland mitigation plan development and implementation; wetland and wildlife management plans; and wetland value assessments. Mr. Varnado’s typical projects include linear pipeline and electrical transmission construction and maintenance, residential and commercial developments, sand and gravel mining, petrochemical facility compliance, due diligence, and habitat restoration projects.

Rebekka C. Veith is an attorney in Fishman Haygood, LLP’s, Litigation Section. Her background is in environmental defense, and in that role, she has worked closely with experts analyzing remediation claims and she has experience deposing and cross-examining environmental expert witnesses. She is currently involved in prosecuting multiple fraudulent transaction cases and assists in advising the Orleans Parish School Board on a variety of legal issues. Before joining the firm, Ms. Veith was an associate at a local defense firm from 2015 to 2018, where her practice was focused on environmental litigation, complex commercial arbitration, and administrative law.

E. Blair Schilling is an attorney in Fishman Haygood, LLP’s, Litigation Section. She represents clients in a wide-range of commercial matters in federal and state court, with a concentration in environmental law. Her environmental practice is centered on representing landowners throughout Louisiana against some of the oil and gas industry’s largest operators for contamination of “legacy” oilfields, land loss, and groundwater contamination. Her practice also spans a variety of other subject matters, such as lender liability litigation, public bid law disputes, contract disputes, and other commercial litigation matters. Ms. Schilling was named as a Rising Star by Super Lawyers in 2018 and 2019.

Rose McCabe LeBreton is senior counsel at Lugenbuhl, Wheaton, Peck, Rankin & Hubbard, where she resolves complex commercial real estate issues involving riverfront development, public-private partnerships, title claims, or land use applications. Mrs. LeBreton served as counsel to the Deepwater Horizon Trust, with responsibility to lead the Wetlands Review Team in determining ownership of the Louisiana wetlands

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area damaged by the BP Oil Spill. As of 2019, 100 percent of wetlands claims under the settlement have been determined and those 50 percent deemed eligible have been paid. Mrs. LeBreton has been the “legal architect” for the development of Tulane University’s riverfront properties and often represents the Port of New Orleans in riparian title and entitlement matters.

Armand E. Samuels, an associate at Lugenbul, Wheaton, Peck, Ranking & Hubbard, practices in general commercial and bankruptcy law with an emphasis in commercial real estate. He has special expertise in complex real estate transactions and has served as assistant counsel on matters such as determining ownership of wetlands for the DeepWater Horizon Settlement Trust, advising the New Orleans Public Belt Railroad Corporation as to the property it owns in two parishes, determining riparian title for the Port of New Orleans and advising Tulane University in title matters. Mr. Samuels graduated on the Dean’s List from Hampden Sydney College in Virginia and earned his J.D. degree from Loyola Law School.

Andrew K. Jacoby is the owner of the Law Office of Andrew Jacoby, LLC in New Orleans. He has spent the last ten years working with people and communities impacted by environmental and public health threats, including oilfield contamination, leaking gas station storage tanks, and hazardous contamination from dry cleaners. His practice also includes lawsuits to enforce the public records requests to state agencies, and fights to require local governments to follow their own laws with respect to zoning and land use issues. Mr. Jacoby is a graduate of the University of Texas at Austin and Tulane Law School.

Beaux Jones is general counsel at the Water Institute of the Gulf. He has extensive experience in the government, non-profit, and private sectors, and an extensive knowledge of coastal and environmental law. Prior to joining the Institute, Mr. Jones served as the environmental section chief for the Louisiana Department of Justice, where he represented the State of Louisiana and its agencies in a wide variety of matters ranging from environmental and coastal law to criminal and appellate law. He most recently worked as an environmental and coastal lawyer for the law firm Baldwin Haspel Burke & Mayer in New Orleans. He has worked on several high-profile cases related to the Gulf Coast and Louisiana, including working on the BP spill litigation team with the Louisiana Attorney General. Mr. Jones currently serves as vice chair of the Louisiana State Bar Association-Environmental Section and as vice chair for the Coalition to Restore Coastal Louisiana.

Additional Learning

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Tues., Feb. 25, 2020, 11:00 AM - 1:00 PM CST
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- **Determining and Increasing Bearing Capacity**
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