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SCENIC RIVER MANAGEMENT PLAN for BAYOU MANCHAC

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This document specifies the general and specific management strategies used by the Louisiana Department of Wildlife and Fisheries (LDWF) as Administrator of the Louisiana Natural and Scenic River System to regulate and control activities on Bayou Manchac in its endeavor to protect and restore the natural and scenic qualities of the bayou. The document is divided into four parts. Part I addresses existing conditions in and along Bayou Manchac, and contains a discussion of some of its unique features. Part II addresses management strategies that are specific to Bayou Manchac or to designated segments of that stream. Part III describes the public coordination undertaken in the development of the Scenic River Management Plan. Part IV addresses Management Plan review, modification and implementation.

This management plan is not intended to be unchangeable nor all inclusive but rather an elaboration of the provisions of the Scenic Rivers Act and Rules and Regulations as specific as possible to Bayou Manchac based on the current knowledge and conditions known at the time of its development to assist in better accomplishing and applying those provisions.

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PART I

BAYOU MANCHAC

Bayou Manchac forms the boundary between East Baton Rouge Parish and the parishes of Ascension and Iberville (Figure 1). Bayou Manchac, from the Amite River to the Mississippi River, was designated a Louisiana Historic and Scenic River in an amendment to the Scenic Rivers Act passed during the regular legislative session of 2009.

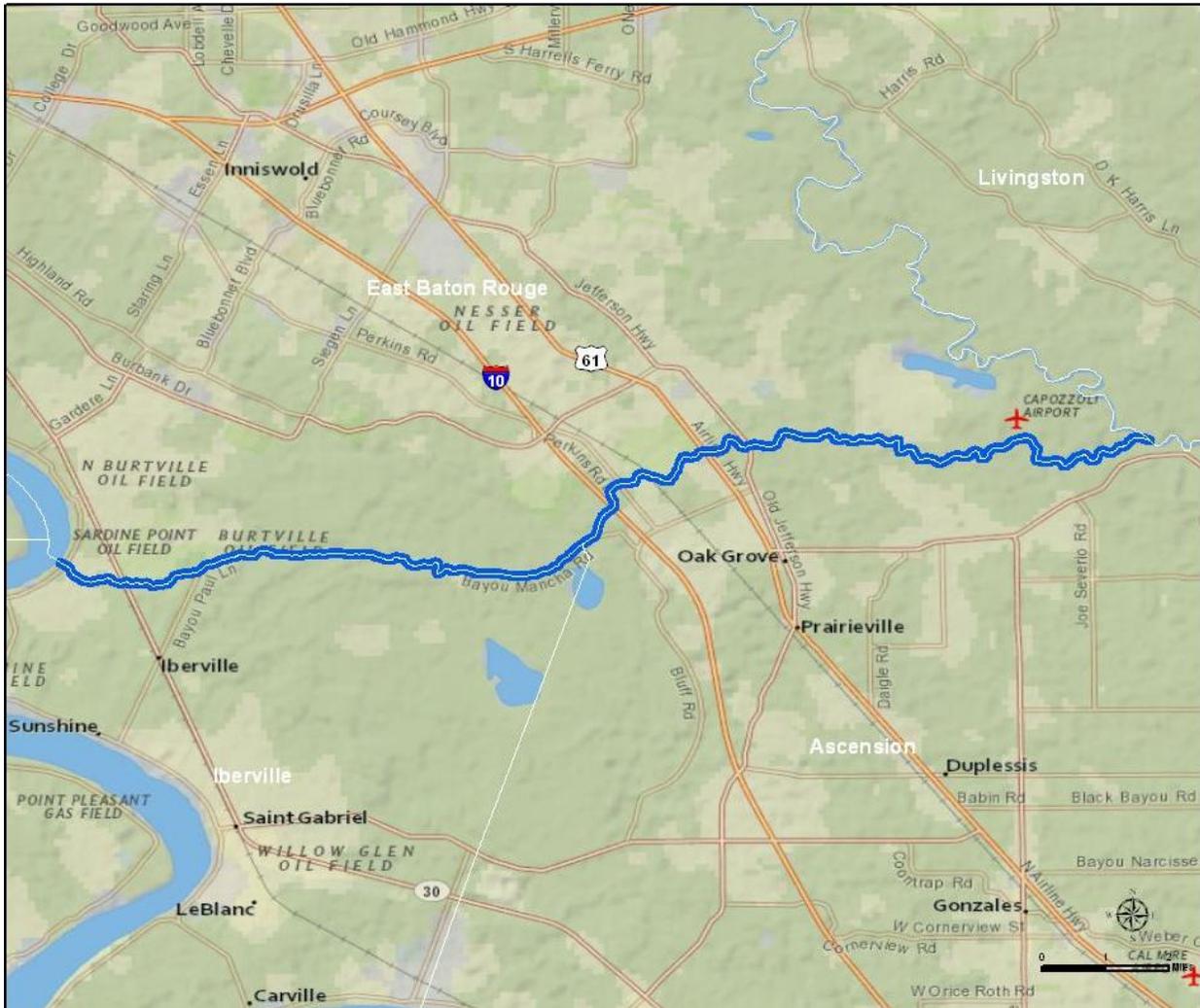


Figure 1. Bayou Manchac, from the Amite River to the Mississippi River

Bayou Manchac is approximately 18 miles long. The bayou drains 152 square miles, and is part of the Lake Pontchartrain Basin. The bayou empties into the Amite River which then empties into Lake Maurepas which then empties into Lake Pontchartrain.

Bayou Manchac is a state claimed and historically navigable waterbody that was utilized by Native Americans for thousands of years and was utilized by European settlers as early as 1699.

It served as a trade route, especially for the fur and logging industries, and as an international border between French and Spanish colonies. After the construction of the levees along the Mississippi River in response to the flood of 1927, Bayou Manchac's importance as a trade route waned and its primary use became recreation with camps appearing along its banks during the 1950's. Primary recreational uses include fishing, boating, paddling, bird watching and hunting. Bayou Manchac has long been known for its bass, bream, catfish and crappie fishing and is a favorite of many local fishermen.

While some of the lands adjacent to Bayou Manchac are heavily developed for both residential and agricultural purposes, there is a riparian corridor composed of greater than 90% native vegetation for most of its length (see land cover classification in Figure 2). During a site visit conducted by LDWF personnel on October 24, 2008, the bayou was found to possess stable banks and primitive and rural-pastoral qualities that are both scenic in nature and worth preserving, protecting, and enhancing. There are eight public road bridge crossings, two railroad crossings and several pipeline and power-line crossings on the bayou. The pipeline and power-line crossings are evident on the banks of the bayou because the rights-of-way are maintained in an herbaceous vegetation community.

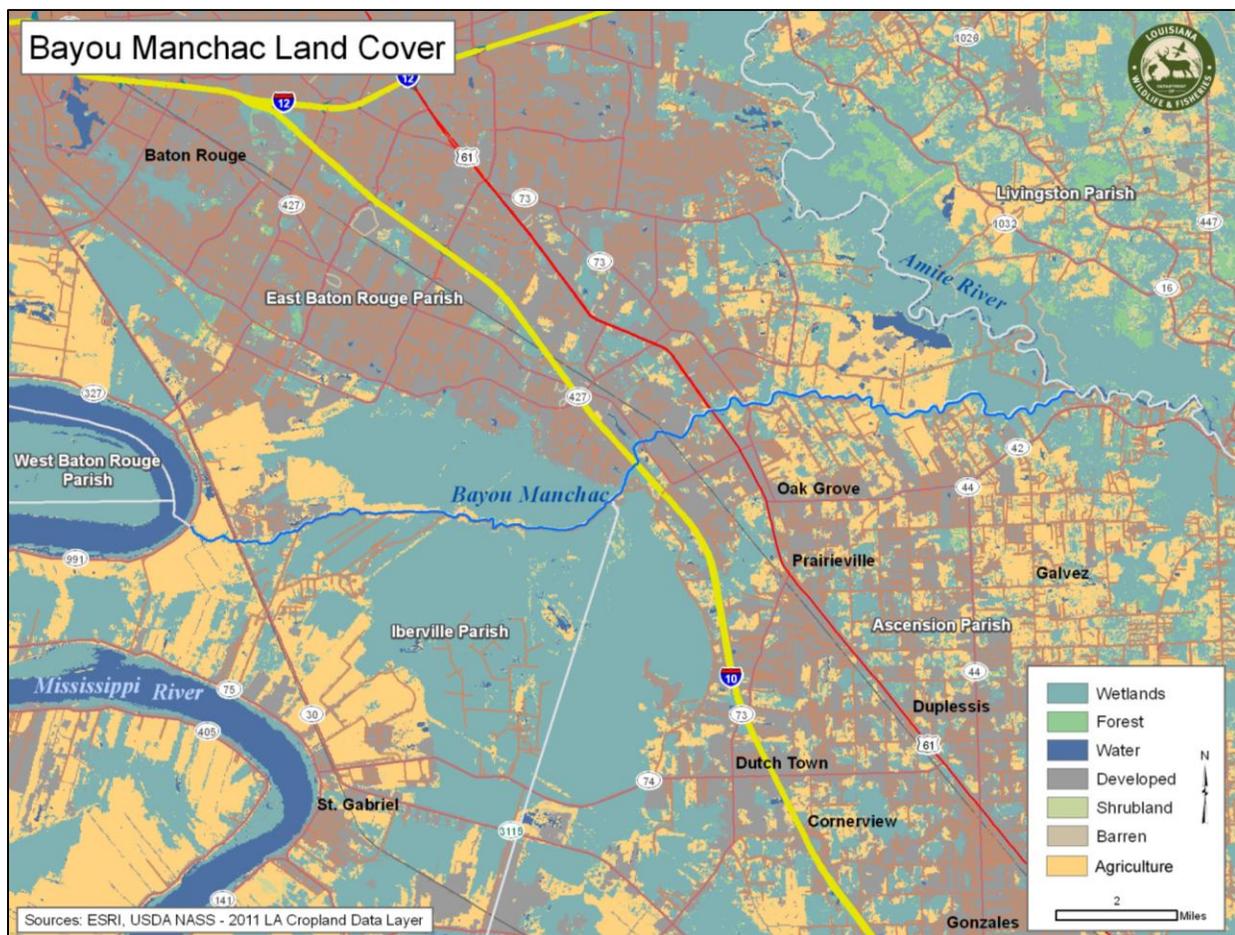


Figure 2. Land Cover in vicinity of Bayou Manchac

The LDWF Louisiana Natural Heritage Program (LNHP) gathers, organizes, and disseminates information on unique, rare, threatened, and endangered species, and unique, rare, and critical habitats in Louisiana. The comprehensive database maintained by LNHP indicates that there are three species of conservation concern and one natural community of conservation concern known to occur within 400 meters of Bayou Manchac. Those species are the manatee (*Trichechus manatus*), eastern harvest mouse (*Reithrodontomys humulis*), and inflated heelsplitter mussel (*Potamilus inflatus*). The natural community is the spruce pine-hardwood mesic flatwoods. Appendix A summarizes the federal and state status of these species as well as their global and state rarity rankings. In order to ensure that species and habitats of conservation concern are adequately considered and protected, all proposed activities will be reviewed by LNHP staff and their recommendations will be given the highest priority in management and permitting decisions. Generally, locations of these species and habitats of conservation concern will be kept confidential for their protection and, by consulting regularly with LNHP, the best and most current information regarding their occurrence, new found elements, changes in status and location(s) will be applied. More information may be found at the LDWF Natural Heritage Program webpage (<http://www.wlf.louisiana.gov/wildlife/louisiana-natural-heritage-program>).

PART II

MANAGEMENT STRATEGIES

The Purposes of the Scenic Rivers Act are spelled out in Louisiana Revised Statutes (R.S.) 56:1841(B) and read as follows:

B.(1) This system shall be administered for the purposes of preserving, protecting, developing, reclaiming, and enhancing the wilderness qualities, scenic beauties, and ecological regime of certain free-flowing streams or segments thereof.

(2) This system shall further be administered for the purpose of preserving aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources found along these streams or segments thereof.

R.S. 56:1849(A) states “No person shall commence or engage in any activity governed by this Part or any rule pursuant thereto unless a permit is first obtained from the administrator.” R.S. 56:1849(B) describes such activities as “those activities that have the potential for significant ecological degradation.”

R.S. 56:1849(C) identifies both general and specific criteria that are to be evaluated when making a final permit decision on an application. The criteria include those aesthetic, biological, historical and cultural elements that are integral to the ecological integrity of a scenic river. Specifically, the statute states the following concerning permit evaluation criteria:

The criteria for an evaluation of an application for a permit shall consider the impact the activity may have on the characteristics and qualities of the natural and scenic river, including but not limited to the following:

- (1) Wilderness qualities
- (2) Scenic values
- (3) Ecological regimes
- (4) Recreation
- (5) Fish and other aquatic life
- (6) Wildlife
- (7) Historical and archaeological
- (8) Geological
- (9) Botanical
- (10) Water quality as determined by the Department of Environmental Quality
- (11) Cultural
- (12) Economics

R.S. 56:1853 provides for activities that are expressly prohibited on Louisiana's Scenic Rivers. Those prohibited uses are channelization, clearing and snagging, channel realignment and reservoir construction of those rivers and streams included within this system. Violations of the provisions of this Section constitute a class six violation, R.S. 56:36.

LDWF will not deviate from these directives unless a specific exception exists in R.S. 56:1855 stating otherwise.

Finally, LDWF will act, without bias, to take corrective enforcement action when violations of the Scenic Rivers Act are discovered. With respect to violations or potential violations, LDWF is very much dependent on reports from users and adjacent landowners. Such reports are imperative in stopping violations as soon as possible and thereby limiting potential damage, which in some cases can take years to correct. Complaints should be reported to the LDWF Scenic Rivers Program.

MANAGEMENT OF WATER QUALITY

The Louisiana Department of Environmental Quality (LDEQ) classifies Bayou Manchac as not supporting Primary Contact Recreation, Secondary Contact Recreation, and Fish and Wildlife Propagation. LDEQ's 2010 Bayou Manchac Watershed TMDL report states that suspected sources of impairment are "site clearance (land development or redevelopment), on-site treatment systems (septic systems and similar decentralized systems), sanitary sewer overflows (collection systems failures), and unknown sources." One of LDWF's goals in managing Bayou Manchac is to improve the waterbody's ability to support recreation and wildlife propagation.

Appendix B contains a list of all LDEQ authorized primary discharges to Bayou Manchac, as of May 2012. The list includes those discharges in which Bayou Manchac is the first or second

waterbody receiving the discharge. The list also includes the applicant name, outfall description and outfall location for each authorized discharge.

1. Direct Point Source Discharges

No potentially polluting discharge will be permitted by the Scenic River Administrator if that discharge is directly into Bayou Manchac unless the existence of that discharge predates the inclusion of Bayou Manchac into the Scenic River System. Existing discharges will remain the sole responsibility of LDEQ and the U.S. Environmental Protection Agency (EPA) until the modification or re-authorization of that permit is pending.

Any major modification or re-authorization of an existing discharge requiring the modification or re-issuance of a National Pollutant Discharge Elimination System (NPDES) permit or state discharge permit will be subject to a Scenic River Permit and the anti-degradation clause of the State Water Pollution Control Act will apply to the modified discharge. The determination of non-degradation of Bayou Manchac will be based upon the measured effect of the new, modified or re-authorized discharge compared to the measured effect or the preexisting discharge. The modified discharge must result in an improvement in discharge characteristics, or in reduced concentration and volume of contaminants. LDWF will accept such a discharge as permissible and will require a Scenic River Permit of the discharger in order for the discharge to continue directly to Bayou Manchac. A modified discharge resulting in additional pollutants in the waste stream, in higher concentrations of pollutants, or an increase in daily, monthly or annual volume of pollutants measured in pounds/day will be considered a degrading discharge and non-permissible for direct discharge to Bayou Manchac. All new discharges will require a Scenic Rivers Permit and must cause no degradation to the water quality of the bayou.

2. Indirect Point Source Discharges

Indirect discharges are those discharges that do not enter directly into a Scenic River, but are discharged to tributary water bodies. Indirect discharges may or may not require a Scenic River Permit. Discharges not requiring a permit would meet the following criteria: (1) The discharge was present and entering the tributary prior to the inclusion of Bayou Manchac into the Scenic River System, or, (2) The indirect discharge meets Louisiana Water Quality Standards and its effect cannot be measured in Bayou Manchac at the confluence of the tributary, thus meeting the requirements of the anti-degradation clause of the State Water Pollution Control Act, and (3) The effluent resulting from any modification or re-authorization of an existing NPDES or state permit for the discharge will meet the requirements of number 2 above.

Indirect discharges to Bayou Manchac will be subject to regulation by LDWF, LDEQ and EPA, and will not be permitted by the Scenic River Administrator if that indirect discharge will have a negative ecological impact on Bayou Manchac. If the indirect discharge is shown to exert a negative impact on Bayou Manchac, even if the discharge meets the State's water discharge permit limitations, an alternate receiving water body for the discharge will be mandatory.

3. Non-Point Source Discharges

Vegetation in the riparian zone along Bayou Manchac is an important component of non-point source pollution control and water quality maintenance. Commercial removal of the riparian

vegetative cover immediately adjacent to the stream edge, regardless of the purpose for that removal, will require a Scenic River Permit. Removal of riparian vegetation by a private landowner for non-commercial use is a right guaranteed in the Scenic River Act, but if this removal results in an erosion problem, bulk-heading or rip-rapping of the affected area may not be permitted. Any permitted activity which results in the clearing of riparian vegetation and/or re-shaping of the land in the riparian zone will, depending upon the nature of the project, require on-site mitigation designed to prevent or reduce erosion, trap sediment, and re-establish a vegetative buffer strip.

4. Discharge of Treated and Untreated Sewage

The Department of Wildlife and Fisheries shall address the issue of treated and untreated sewage discharge from houseboats. It shall be the goal of LDWF to eliminate all such discharges into Bayou Manchac. LDWF will work with the LDEQ, our Enforcement Division and our legal staff to make the laws already in place more enforceable. All houseboats moored on Bayou Manchac for more than 30 days will require a Scenic River Permit. The conditions of that permit will address the issue of sewage discharge by requiring the permittee to make his or her “no direct discharge” compliance evident in some way that non-compliance can be readily detected. If necessary, LDWF will propose the promulgation of additional rules and regulations pursuant to the Administrative Procedure Act to address this issue under the authority of the 1997 addition to R.S. 56:1850.

MANAGEMENT OF RIPARIAN LAND USE

The Department of Wildlife and Fisheries recognizes and respects that the vast majority of the riparian lands along the State’s Scenic Rivers are privately owned. Therefore, LDWF understands that it has limited authority to dictate to a private landowner what that landowner can or cannot do with or on his property provided those activities do not affect property belonging to the State and the people of Louisiana. State property includes the water in streams and all natural populations of fish and wildlife.

In order for LDWF to exercise the type of control in riparian areas that is mandated by the Scenic River Act or that may be necessary to preserve or enhance the scenic values and wilderness quality of Bayou Manchac, LDWF will endeavor to establish a working relationship with riparian landowners in an attempt to provide technical assistance to those landowners attempting to manage and enhance fish and wildlife habitat. If riparian landowners express their intent to continue to maintain the natural character of their stream bank property without the assistance of the State, LDWF will respect the rights of those landowners to do so. As an overall management tool for maintaining wilderness quality, scenic value and adequate fish and wildlife habitat in riparian corridors along Bayou Manchac, LDWF will negotiate Scenic Easements with willing landowners. Those easements will be designed to provide maximum protection to the wildlife habitat along and in Bayou Manchac without usurping the landowners’ use and enjoyment of their property.

MANAGEMENT OF STRUCTURAL INTRUSIONS

1. Governmental Agencies

Structural intrusions by governmental agencies on a Scenic River include highway and parish road bridges, flood control projects, drainage programs, navigation projects and any other project that requires the issuance of any Federal, State or Local permit. The Department has the responsibility of administering the State's participation in the Federal Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.). In this capacity, any agency under a Federal permit or license is required to consult with LDWF where the "waters of any stream or other body of water are proposed or authorized, permitted or licensed to be impounded, diverted... or otherwise controlled or modified." Consultation with LDWF is undertaken for the purpose of "preventing loss of and damage to wildlife resources." Among those resources considered by LDWF during each consultation are Louisiana designated Scenic Rivers. Through this process, applicants for permits in other jurisdictions are made aware of the need for consultation and authorization from LDWF when Scenic Rivers may be affected. These projects include those proposed to be undertaken by local and state agencies. Further, R.S. 56:1848 provides that:

Planning considerations

A. In all planning for the use and development of water and water-related land resources, full and equal consideration shall be given by all local, state and federal agencies to the potential natural and scenic river areas; and all river basin reports and project plans should discuss any such potential and all economic evaluations should consider aesthetic values as well as monetary values.

B. No agency of the state government shall authorize or concur in plans of local or federal agencies that would detrimentally affect whether, directly or indirectly, a natural or scenic river or upon which the full and equal consideration of the stream's potential as a natural or scenic area with aesthetic values has not been discussed and evaluated.

Additionally, the following activities are prohibited by the Scenic River Act and cannot be permitted unless an exception is passed by the Legislature. Prohibited uses are (1) Channelization, (2) Channel realignment, (3) Clearing and snagging, and (4) Reservoir construction (impoundment).

A. Bridges

New bridge crossings, replacements and repairs to existing bridges over Bayou Manchac will require a permit. Consistent with Federal and State construction and safety requirements, all new and replacement bridge crossings will avoid direct impact to the stream bed by using construction techniques which minimize or eliminate the need for structural support features in the stream. Rights-of-way will be reduced to the absolute minimum width required for physically locating and constructing the bridge and approaches. Filling of the flood plain to construct bridge approaches is discouraged by the Administrator. Fill will reduce the carrying capacity of that flood plain and restrict flood flows. LDWF favors maximizing the use of raised

structures in lieu of “on grade” construction across the flood plain. The issue of construction on grade or on structure will be negotiated with the construction agency and will be addressed in the Scenic River Permit.

Bridge crossings across Bayou Manchac will be located to the maximum extent practicable in a reach with low potential for lateral migration of the stream bed in order to reduce potential future problems either for the stream or the bridge. Disturbance of the natural bank of Bayou Manchac during construction of the bridge is to be avoided. Equipment will not be allowed to ford the stream unless no alternative method of construction is possible. All disturbed areas will be re-vegetated using native plant species as soon as possible after disturbance and accepted erosion control practices will be used throughout the construction phase of the project. No construction debris will be allowed in the stream, and all debris will be removed after construction is complete. Construction equipment will be stored or situated such as to prevent accidental spills of petroleum products or other chemicals from entering the stream. On-site supervisory personnel will be responsible for adhering to all stipulations of any Scenic River Permit.

Consideration of public access to Bayou Manchac at bridge crossings on public rights-of-way should be part of the planning process, and, if feasible, be incorporated by the Department of Transportation and Development or parish government as a project feature. This consideration is applicable to upgrading and replacing existing bridges as well as the construction of new bridges. Planning for public access must consider whether a boat ramp is appropriate and whether a reasonable amount of safe parking can be provided. A sign indicating that Bayou Manchac is a Louisiana Historic and Scenic River will be placed in a prominent location along the bridge approaches on both sides of the stream.

It must be noted that along with the inclusion of Bayou Manchac as a Scenic River, an exception regarding bridges was included in the enacting legislation (i.e., Act No. 370 of the regular legislative session of 2009). The exception, found in R.S. 56:1855(M) reads:

(3) No provision in this Chapter shall prohibit the construction of any bridge across Bayou Manchac.

B. Flood Control, Drainage & Navigation

Impoundments, clearing and snagging, channelization, and channel realignment are all prohibited by the Scenic River Act. Therefore, flood control and navigation projects on all Scenic Streams, with a few exceptions, are not permissible. Flood control, drainage and navigation projects on a tributary to a Scenic River may or may not require a permit from LDWF. If the project will have an adverse effect on the Scenic River, then a permit will be required. If the impacts of the flood control, drainage or navigation project are determined to be substantial and result is reduced water quality, the non-degradation clause of the state's Water Pollution Control Act will be triggered. Under certain conditions the removal of obstructions from the stream can be accomplished. Proposals to remove those obstructions must be communicated to and coordinated with LDWF.

LDWF will object to the construction of flood control or navigation projects in any of the tributaries draining to Bayou Manchac unless it is determined that a Scenic River Permit is not required or a Scenic River Permit is issued to the construction agency prior to beginning construction. Any Scenic River Permit issued for activities in a watershed may contain provisions not found in the other permits that are required for these types of projects (i.e., Coastal Use Permits or Section 404 and Section 10 Permits). However, if proper coordination is achieved between the applicants, the Department of Natural Resources (DNR), the U.S. Army Corps of Engineers (USACE) and LDWF, prior to submitting a final application to the other permitting agencies, mitigation measures can be planned for and accomplished resulting in expeditious issuance of a Scenic River Permit. Both DNR and USACE may withhold issuance of their permits until a Scenic River Permit is issued by LDWF or until the Scenic Rivers Program Coordinator determines that no Scenic River Permit is required.

LDWF will establish close communication and will coordinate and cooperate with parish government in Ascension, East Baton Rouge, and Iberville Parishes through which Bayou Manchac flows. The coordination is important to both the parish governments and LDWF to ensure that no activity proposed by the parish governments will be in violation of the Scenic River Act.

Act No. 370 of the regular legislative session of 2009, the act that added Bayou Manchac to the Scenic Rivers System, contained exceptions regarding flood control projects on the bayou. The exceptions, found in R.S. 56:1855(M) read:

M.(1) Notwithstanding the provisions of R.S. 56:1856(B)(2), the department shall permit the construction of flood control projects on Bayou Manchac that include replacing the structures at Alligator Bayou and Frog Bayou; providing a structure for constricting the backwater flow in Bayou Manchac; constructing, elevating, or protecting the road along the south side of Bayou Manchac in the vicinity of and to the west of the Alligator and Frog Bayou water control structures; or any realignment of the lower portion of Ward Creek that flows into Bayou Manchac.

(2) Notwithstanding other provisions of R.S. 56:1853, snagging and dredging operations for drainage purposes in Bayou Manchac shall be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849.

C. Other Projects

Any other project which requires a Federal, State or local permit and which will have an environmental impact on Bayou Manchac will require a Scenic River Permit. Those projects include, but are not limited to: USACE permits, LDEQ permits, Louisiana Department of Natural Resources permits, EPA Clean Water Act permits, Community Development Block Grant Projects, Farmers Home Administration Projects, Department of Housing and Urban Development projects, Federal Energy Regulatory Commission projects, Coast Guard permits and Federal Aviation Administration projects. Each of these and other projects will have to be

evaluated on a case-by-case basis in order to determine whether or not a Scenic River Permit will be required for project implementation or whether the activity might constitute a prohibited use.

LDWF will make contact with local governing authorities to ensure that local building and other types of permits for activities that may impact a Scenic River will include a consideration of Bayou Manchac before those permits are issued. Local recreational facility development will be coordinated with the parish governing authorities, tourist commissions and development authorities to encourage the proper development and maintenance of those facilities to be located along Bayou Manchac.

2. Major Private Industry Projects

The seven (7) most common intrusive activities conducted by the private sector are (1) pipeline corridors, (2) power line corridors, (3) oil and gas exploration, (4) sand, gravel and fill material extraction (5) agricultural operations, (6) silviculture, and (7) real estate development. All seven of those activities may require a Scenic River Permit depending upon the proximity of the activity to Bayou Manchac. Activities outside of the 100 foot buffer zone will be evaluated on a case-by-case basis to determine whether or not the activity has the potential to detrimentally affect or significantly degrade the ecological integrity of the bayou.

A significant consideration for these intrusive activities, especially pipeline and powerline corridors, oil and gas exploration and real estate development, is habitat fragmentation. It will be a priority of LDWF to locate these activities, to the greatest extent practicable, within or adjacent to existing utility or pipeline rights-of-way, roadways or other developed or disturbed areas. Locating activities in or adjacent to previously developed or disturbed areas will minimize habitat fragmentation which directly and adversely affects wetlands, waterbodies, wildlife and fisheries.

A. Pipeline Corridors and Crossings

Every new pipeline crossing on Bayou Manchac will require a Scenic River Permit. It is the policy of the Administrator to require subterranean, directional drilling/boring of pipeline crossings on Bayou Manchac. If that methodology is used, the drilling will take place such that:

- 1) the pipe will submerge and re-emerge at least 100 feet from the high bank of the stream;
- 2) the pipe will lie no less than 15 feet below the bottom of the stream;
- 3) the pipeline right-of-way will not be cleared above that segment of the line that is directionally bored and if the right-of-way is already cleared, it will be re-vegetated with native vegetation;
- 4) no water will be discharged to the stream;
- 5) work areas on either side of the stream will be adequately shielded from the stream to eliminate site run-off from entering the stream and to minimize impacts to the bayou's scenic and aesthetic qualities;
- 6) the owner of the pipeline will present to the Department an adequate plan for protecting the stream in the event of a pipeline rupture.

B. Power Line Corridors and Crossings

Every new power line crossing Bayou Manchac, whether aerial or subterranean, will require a Scenic River Permit. Directional boring will be required for all subterranean crossings of Bayou Manchac. Aerial crossings, unless they are on or adjacent to existing utility rights-of-way, will be discouraged.

Scenic River Permits for utility line crossings will stipulate bank restoration, re-vegetation and erosion control requirements and the method of right-of-way maintenance adjacent to the stream. Additionally, any further mitigation requirements for unavoidable damages will be enumerated in the permit.

C. Oil and Gas Exploration and Extraction

An applicant proposing to undertake seismic exploration must obtain authorization from LDWF's seismic program. LDWF's seismic program may be contacted at 225-765-2380 for further information. Seismic exploration will not be allowed within 100 feet of the high bank of Bayou Manchac. Under no circumstances will a seismic shot be allowed within the channel of Bayou Manchac. No Scenic River Permit is required for seismic activity, except when seismic equipment must cross the bayou. Under those circumstances, a Scenic River Permit will be required for the crossing and damages to the banks and stream bed will be mitigated. While a seismograph cable may be strung across the stream by hand and sensors may be placed in the stream, no equipment will be allowed to ford the stream except under very exceptional circumstances.

No drilling will be allowed within 100 feet of the high bank of Bayou Manchac. If the "bottom of the hole" must be in a position directly under the stream corridor, the hole must be directionally drilled. Use of a closed loop drilling system will be required for all drilling activities within the floodplain of Bayou Manchac. If the drilling location is in a position such that leaks, spills and discharges could naturally enter Bayou Manchac directly or via a tributary, then a Scenic River Permit will be required. No drill cuttings or produced water will be allowed to be discharged to Bayou Manchac.

If access to the well passes within 100 feet of Bayou Manchac and is not along a pre-existing access route or road, a Scenic River Permit will be required for construction of the access road. Permanent facilities such as production platforms, tank batteries, heat treaters, flow lines and lift lines will require a permit.

Boat access to a drilling location via Bayou Manchac is prohibited unless water depth at low water is sufficient to accommodate the draft of the vessel without dredging or wheel washing. The dredging of canals or slips which connect directly to Bayou Manchac will be an option of last resort. All other potential access routes to a location near Bayou Manchac must be considered and determined to be infeasible before the Administrator will consider accepting an application for a Scenic River Permit to conduct such dredging. If such an application is

accepted, the applicant can expect to provide for extensive shoreline protection, mitigation, and, if the well is non-productive, restoration.

D. Mining and/or Removal of Fill Material and Non-Renewable Resources

Sand, gravel and fill material extraction from the stream bed of any Scenic River, including mining of gravel bars in braided portions of the stream channel, can create channel instability, increased stream turbidity, and degradation of aquatic habitat leading to increased bank erosion, channel relocation, and loss of fishery resources. Therefore, mining activities must be restricted to those areas not subject to inundation by Bayou Manchac. Furthermore, a significant forested riparian buffer is to be maintained between any proposed mining operation and the natural bank of Bayou Manchac.

Sand, gravel and fill material extraction from adjacent riparian, private lands is not a prohibited activity, but may require a Scenic River permit depending upon the distance of the activity from the stream and the relationship of the mining operation to the stream. Discharges of tailings and wash water directly to the stream or indirectly to the stream via a tributary or man-made ditch which results in an increase in the turbidity of the stream are considered a violation of the non-degradation clause of the Water Pollution Control Act and are, therefore prohibited by the Scenic River Act. Any existing mining operations along Bayou Manchac are subject to regulation by LDWF, and may be required to secure a Scenic River Permit from the Administrator to continue legal operations.

Additionally, no fill material shall be dredged from the water bottoms of the state, including Bayou Manchac, without a license issued by LDWF and a royalty payment shall be made to LDWF. Licenses to dredge, royalties, and exemptions are provided for in R.S. 56:2011.

E. Agriculture

Removal of water from Bayou Manchac for irrigation of farmlands or other uses is an activity that requires a Scenic River Permit from the Administrator. Water that is used to irrigate fields may not be allowed to flow directly back into Bayou Manchac without treatment because of the potential for increasing the turbidity of the stream or contaminating the stream with agricultural chemicals.

Clearing of riparian vegetation and cultivating to the immediate edge of Bayou Manchac is discouraged by the Administrator and requires a permit from the Administrator because of the potential for ecological degradation of the stream. Conditions in a permit for this type of activity will be conditioned such that a vegetative buffer will remain adjacent to the stream in order to provide protection of fish and wildlife habitat and water quality. The Administrator recommends that Natural Resource Conservation Service (NRCS) recommended land conservation practices be implemented by agricultural landowners if runoff from these lands drain into a Scenic Stream.

Aerial application of pesticides and fertilizers to fields adjacent to Scenic Streams will require a Scenic River Permit. The potential for direct contamination and accidental contamination by drift poses a threat to the ecological integrity of any stream.

F. Silviculture

Clear-cutting of trees for commercial purposes is prohibited within 100 feet of Bayou Manchac. Silviculture best management practices (BMPs) have been developed by the Louisiana Department of Agriculture and Forestry (LDAF) and the Louisiana Forestry Association. The Administrator encourages the use of BMPs throughout the state, but particularly adjacent to designated Scenic Rivers.

Prior to beginning any cutting activity adjacent to Bayou Manchac notification must be given to the LDAF who will, in turn, notify LDWF. LDWF personnel will make every attempt to make a site inspection with the forester in charge of the proposed harvest and a determination of the 100 foot prohibition line will be made if necessary. At that time, if selective cutting is to take place within the 100 foot of a Scenic Stream, those trees which will be cut shall be clearly marked.

G. Real Estate Development

Real estate development which would result in altered drainage patterns, clearing of property near Bayou Manchac or increased runoff potential from surrounding lands may require a permit from the Administrator. Ancillary activities associated with real estate development such as sewage discharges and improved drainage into Bayou Manchac may have a direct, ecological impact on the stream. Therefore, any development within 100 feet of Bayou Manchac will require a Scenic River Permit and must be compatible with uses described for the streams in the Scenic River Act. Furthermore, construction outside of the 100 foot buffer of Bayou Manchac will require a permit if the activities have the potential to directly and significantly degrade the ecological integrity of the stream. Developers are encouraged to establish a scenic easement within the 100 foot buffer zone through negotiations with the Coordinator of the Scenic River System. It should also be noted that the prohibition against the commercial clearcutting of trees within 100 feet of a Scenic Stream does not only apply to silviculture but also to all commercial endeavors, including subdivision development.

3. Individual Projects

All projects of individuals which encroach upon Bayou Manchac will require a permit from the Administrator. Examples of projects needing a Scenic River Permit are:

- 1) Bulkheads
- 2) Piers
- 3) Boathouses and boat slips
- 4) Camps
- 5) Bank stabilization projects
- 6) Boat launches
- 7) Floating docks
- 8) Water intake structures either permanent or temporary
- 9) Private bridges.

Anything that is placed or constructed immediately adjacent to or into the stream is subject to a Scenic River Permit. Each proposed project will be evaluated on its own merit and stipulations and conditions may be placed on the activity via the permit.

Under no circumstances will old car bodies, appliances, construction debris, tires, tree tops or any other material not specifically designed for bank stabilization and erosion control be allowed to be used adjacent to or in Bayou Manchac. Should the use of erosion control methods and materials become necessary adjacent to Bayou Manchac, they must be commonly accepted engineering methods and materials and must be designed to mimic, as closely as possible, the natural stream bank.

Clear-cutting of trees for commercial purposes within 100 feet of a scenic river is prohibited by the Scenic River Act. Removal of trees within 100 feet of a Scenic River by the landowner for personal use or disease control is exempted from regulation by the Act. Disposal of trees or tree tops into Bayou Manchac is a violation of both the state Water Pollution Control Act and the Scenic River Act. The riparian landowner is liable for a violation of this nature regardless of who actually placed the trees into the stream. Therefore, the Administrator encourages the riparian landowners to be particularly cognizant of logging operations on their property.

MANAGEMENT OF RECREATIONAL USE

The designation of Bayou Manchac as a Scenic River does not convey any property rights to the state over privately owned riparian lands. Therefore, there is no mandate or obligation on LDWF to provide for public access to Bayou Manchac. The Department of Wildlife and Fisheries does want to promote recreational use of Scenic waterways and will work with public and private entities to promote these uses so long as water quality is suitable for sustaining such use and the proposed use has no negative ecological impact to the stream. If the opportunity arises through the permitting process, through negotiations with riparian landowners or, as mentioned above, at public bridge crossings, LDWF will attempt to provide adequate public access to the stream.

LDWF does not intend, at present, to regulate such activities as canoe liveries or tubing on Bayou Manchac. However, if those activities are established along Bayou Manchac, and are found to exert a direct, significant, negative impact on the ecological regime of the stream through overuse and abuse, LDWF will regulate that activity by requiring permits of such vendors. Abuses which will lead to stricter controls over uses of Bayou Manchac include, but are not limited to, complaints of trespass from riparian landowners and littering.

LITTERING AND DUMPING OF TRASH ON THE BANKS

Dumping of trash and other waste materials on the banks of Bayou Manchac will not be tolerated by LDWF. Landowners along Bayou Manchac will be held responsible for the removal of all waste materials from the banks of the bayou that are not approved for bank stabilization. While keeping litter and certain other waste on one's own property does not necessarily constitute

littering, doing so in any significant quantity within 100 feet of a Scenic River is considered by LDWF to be “maintaining a dump,” an activity that has potential for impact to the scenic and aesthetic qualities of the stream. Such activities require a Scenic River Permit. All landowners who own property adjacent to public lands and/or waterways need to familiarize themselves with Louisiana’s litter laws. R.S. 30:2531(B) reads:

“Simple littering. (1) No person shall dispose of, or create a condition that the person knew or should have known was likely to result in the disposal of, litter upon any public place in this state, upon private property in this state not owned by him, upon property located in a rural area in this state not owned by him, or in or on the waters of this state, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley.”

The Department of Wildlife and Fisheries Enforcement Division very actively enforces Louisiana’s litter laws.

LDWF recognizes that litter or trash can be deposited on a landowner's property during high water events and will take this into consideration when investigating littering cases.

The Department shares with most Louisianians the disgust and disappointment with the tragic amount of littering that goes on in our State. Unfortunately, much of it finds its way into our waterways. While LDWF will continue to enforce litter laws, littering remains a problem that may require additional measures to keep it from entering Bayou Manchac from indirect sources. The Department will support and encourage any feasible measures to keep litter from ending up in the bayou, including but not limited to, structural means of capturing litter so it can be concentrated and removed, structural means of preventing litter thrown from bridges from making it to the bayou, enhanced penalties for littering Scenic Streams (whether directly or indirectly) and innovative ways of using technology to identify and prosecute those who are doing the littering.

GENERAL BEST MANAGEMENT PRACTICES FOR SCENIC RIVERS

Best Management Practices (BMPs) are methods or technologies that, if correctly applied, are effective at minimizing adverse impacts of development activities. Using BMPs when conducting development activities adjacent to Scenic Rivers can ensure that wilderness qualities, scenic beauties and ecological regimes of streams and riparian areas are preserved, protected and enhanced. Below are some general BMPs for landowners to follow.

- Maintain a minimum vegetated buffer width of 100 feet between any proposed development and stream banks. The purposes of a vegetated riparian buffer are to protect water quality, to provide wildlife habitat and wildlife corridors, to provide shade to lower water temperatures for improved aquatic organism habitat, to maintain bank stability, to

attenuate flood flow, to provide a source of detritus and woody debris for aquatic and terrestrial organisms, and to increase carbon storage.

- Conduct development activities in a manner that avoids disturbance to the forest floor, exposure of soils, and disturbance of stream banks.
- Stabilize disturbed soils within riparian areas soon after construction. Accepted measures include vegetated filter strips, silt fences, hay bales, seeding, mulch or other Environmental Protection Agency (EPA) stormwater runoff control best management practices.
- Revegetate exposed soils within riparian areas following disturbance as soon as possible.
- Handle and store toxic and hazardous material such as fuels and lubricants outside of riparian areas.

Links to web-based BMPs for specific technologies or methods (e.g., storm and surface water management, timber harvesting, construction site preparation, etc.) may be found at the LDWF Scenic Rivers webpage (<http://www.wlf.louisiana.gov/scenic-rivers>).

PART III

PUBLIC COORDINATION

1. Public Hearing

On January 12, 2011 at Jones Creek Library in Baton Rouge, a public hearing was held to gather public input for the creation of the Bayou Manchac Management Plan. 21 members of the public attended including Representative Franklin Foil of District 70. An additional fifteen days were provided for written public comments regarding the management plan, but none were received. In total, the LDWF received comments concerning five main topics as shown in the following table. An LDWF response to these comments is also provided below.

| Topics of Concern | Number of Comments |
|---------------------------------------|---------------------------|
| Trash/Litter | 5 |
| Flood Control | 4 |
| Restore Natural Conditions | 3 |
| Riparian Corridor/Conservation Buffer | 2 |
| No Wake Zones/ Speed or HP Limits | 2 |

A. Trash/Litter

Participants were concerned about the amount of trash/litter that was found in and on the banks of the bayou. They wished to know if the LDWF could help in clean or lead clean-up efforts and what means the LDWF has to enforce litter control along the bayou.

B. Flood Control

Questions under this heading were concerned with two main topics. First, participants were concerned with the flood control locks on Alligator Bayou, especially with high flow rates of water released from the locks causing erosion to nearby property. Second, participants were

concerned about drainage along the bayou and would like to see plans to improve drainage in the area.

C. Restore Natural Conditions/Restoration of a Connection to the Mississippi River

Participants concerned with these topics expressed a desire to see natural vegetation restored to areas where it has been removed and for a connection to the Mississippi River to be restored to bring more natural flows and water levels back to the bayou.

D. Riparian Corridor/Conservation Buffer

Participants were concerned with preserving the existing riparian corridor along the bayou and with setting up conservation easement/buffers in undisturbed areas.

E. No Wake Zones/ Speed or HP Limits

Some participants expressed interest in establishing no wake zones or horsepower limits for watercraft operating on the bayou. Participants mentioned desiring these limits in the interest of safety and in prevention of wake-induced shoreline erosion. No wake zones are established by the parish council or parish police jury and while the LDWF has no authority to establish such regulations, LDWF personnel would be willing to work with local government to establish the need for such regulations.

LDWF considered all comments received from the public in the development of the Bayou Manchac Scenic River Management Plan. LDWF will also receive and consider public comments in the management of all future proposed activities on Bayou Manchac. For example, public comments will be taken into consideration in making Scenic River Permit decisions and in the development of permit conditions.

2. Written Comments

LDWF provided a copy of the draft Bayou Manchac Scenic River Management Plan to those parties that requested an opportunity to review the plan and provide comments prior to implementation. LDWF received three very well thought out and articulated written comments from two non-governmental organizations and one private individual. Those comments were reviewed carefully and all of the suggestions that were not already addressed in this plan or already specifically provided for in the Scenic Rivers Act and/or Rules and Regulations have been incorporated into this plan. Some of those suggestions are accomplished through other Department processes and explanations of those have been explained or elaborated on in the plan. Below is a list summarizing the comments received:

- Provide for continued public involvement
- Provide a strategy for addressing species and habitats of concern
- Add additional State/Federal permits to the list of those that might also trigger the need for Scenic River Permits
- Clarify position on removal of dredge/fill material
- Address indirect litter sources
- Elaborate on issue of sewage

- Reference or include a copy of an agreement between the City of Baton Rouge and EPA
- Provide more specific guidance on reclaiming, enhancing, protecting, etc.
- Include the R.S. 56:1848 language
- Make this Management Plan available online
- Include a map depicting natural communities of conservation concern
- Provide information on known invasive species and strategies for their control
- Coordinate with and review plans of local government involving litter abatement, drainage plans and development plans

PART IV

MANAGEMENT PLAN REVIEW

This plan has been reviewed by appropriate Department personnel, the State of Louisiana Office of Planning and Budget, the Louisiana Department of Environmental Quality, the Louisiana Department of Culture, Recreation and Tourism, and the Louisiana Department of Agriculture and Forestry. Also, comments were solicited and received from local governmental and nongovernmental organizations with specific knowledge of Bayou Manchac and/or conservation planning.

R.S. 56:1846(C) states that “each management plan shall be reviewed at least every five years from adoption and may be modified in the same manner and procedure as provided for adopting the original plan.” In addition, to help ensure that this plan remains current and provide for continued public involvement, all interested parties are invited to provide the Department with any new information and/or suggestions as new situations arise or new knowledge becomes available that may help with appropriate management of Bayou Manchac. Such information can be kept on file with this plan for consideration in making permitting and planning decisions in the interim between plan revisions and be readily available when the time comes for a formal revision. This plan will be made available on the Department’s website with information on how to submit such information and suggestions.

IMPLEMENTATION

This plan is considered to be in full effect and implemented upon the date of the Administrator’s signature.



 Robert J. Barham
 Administrator, Louisiana Scenic Rivers System

5-29-2013

 Date

APPENDIX A

Species of Conservation Concern Known to Occur on Bayou Manchac

Louisiana Department of Wildlife and Fisheries

Louisiana Natural Heritage Program

Species of Conservation Concern known to occur within 400 meters of Bayou Manchac

| Global Scientific Name | State Common Name | Federal Status | State Status | Global Rank | State Rank |
|--------------------------------------|--------------------------------------|----------------|--------------|-------------|------------|
| Trichechus manatus | Manatee | LE | Endangered | G2 | SNA |
| Reithrodontomys humulis | Eastern Harvest Mouse | | | G5 | S3S4 |
| Potamilus inflatus | Inflated Heelsplitter | LT | Threatened | G1G2 | S1 |
| Spruce pine-hardwood mesic flatwoods | Spruce Pine-hardwood Mesic Flatwoods | | | G1G2 | S2 |

EXPLANATION OF RANKING CATEGORIES EMPLOYED BY NATURAL HERITAGE PROGRAMS NATIONWIDE

FEDERAL STATUS

LE = Listed Endangered

LT = Listed Threatened

GLOBAL ELEMENT RANKS

G1 = critically imperiled globally because of extreme rarity (5 or fewer known extant populations) or because of some factor(s) making it especially vulnerable to extinction

G2 = imperiled globally because of rarity (6 to 20 known extant populations) or because of some factor(s) making it very vulnerable to extinction throughout its range

G3 = either very rare and local throughout its range or found locally (even abundantly at some of its locations) in a restricted range or because of other factors making it vulnerable to extinction throughout its range (21 to 100 known extant populations)

G4 = apparently secure globally, though it may be quite rare in parts of its range, especially at the periphery (100 to 1000 known extant populations)

G5 = demonstrably secure globally, although it may be quite rare in parts of its range, especially at the periphery (1000 + known extant populations)

STATE ELEMENT RANKS

S1 = critically imperiled in Louisiana because of extreme rarity (5 or fewer known extant populations) or because of some factor(s) making it especially vulnerable to extirpation

S2 = imperiled in Louisiana because of rarity (6 to 20 known extant populations) or because of some factor(s) making it very vulnerable to extirpation

S3 = rare and local throughout the state or found locally (even abundantly at some of its locations) in a restricted region of the state, or because of other factors making it vulnerable to extirpation (21 to 100 known extant populations)

S4 = apparently secure in Louisiana with many occurrences (100 to 1000 known extant populations)

S5 = demonstrably secure in Louisiana (1000 + known extant populations)

SNA = transient species in which no specific consistent area of occurrence is identifiable

APPENDIX B

LDEQ Authorized Primary Discharges to Bayou Manchac (2012)

LDEQ Authorized Primary Discharges to Bayou Manchac (as of May 25, 2012)

| APPLICANT NAME | OUTFALL DESCRIPTION | OUTFALL LONGITUDE | OUTFALL LATITUDE | WATERBODY 1 | WATERBODY 2 |
|--|---|-------------------|------------------|----------------|---------------|
| TOTAL Petrochemicals & Refining USA Inc - COS-MAR Co | Discharge of non-process area stormwater runoff associated with undeveloped areas, tank farm diked area drainage water, and de minimus industrial activity wastewaters including hydrostatic test water, steam trap condensate, fire system test water, eye wash and safety shower water, uncontaminated clarified water and general facility washwater including, but not limited to wash down water, irrigation water, and dust control activities water. | -91.066667 | 30.226389 | Bayou Braud | Bayou Manchac |
| Robinson Brothers Ford LLC | Washrack Wastewater | -91.052778 | 30.399444 | Clay Cut Bayou | Bayou Manchac |
| Industrial Coatings Contractors Inc | Treated sanitary wastewater | -90.997778 | 30.327500 | Welsh Gully | Bayou Manchac |
| PCS Nitrogen Fertilizer LP - Geismar Agricultural Nitrogen & Phosphate Plant | Intermittent discharge of non-process area stormwater | -91.056389 | 30.226667 | Unnamed Ditch | Bayou Manchac |
| Southern Valve Service Inc | Equipment washwater | -90.983056 | 30.330556 | Bayou Manchac | |
| Southern Valve Service Inc | Treated sanitary wastewater | -90.983611 | 30.330556 | Bayou Manchac | |
| Industrial Electric Motor Service Inc | Treated sanitary wastewater | -91.028889 | 30.369167 | Ward Creek | Bayou Manchac |
| R R Cassidy Inc | Treated exterior vehicle wash wastewater | -90.984722 | 30.332778 | Bayou Manchac | |
| R R Cassidy Inc | Treated sanitary wastewater | -90.984722 | 30.332778 | Bayou Manchac | |
| Mexichem Fluor Inc - KLEA 134a Plant | Non-process area stormwater runoff | -91.096111 | 30.234722 | Bayou Braud | Bayou Manchac |
| Mexichem Fluor Inc - KLEA 134a Plant | Non-process area stormwater runoff | -91.097500 | 33.233333 | Bayou Braud | Bayou Manchac |
| Mexichem Fluor Inc - KLEA 134a Plant | Discharge of non-process area stormwater runoff, fire protection wastewater, safety shower discharges, eyewash water, and effluent from Internal Outfall 107. | -91.095000 | 30.235278 | Bayou Braud | Bayou Manchac |
| Mexichem Fluor Inc - KLEA 134a Plant | Discharge of low potential contamination stormwater from the HF & HCl railcar and truck washing activities. | -91.095278 | 30.235556 | Bayou Braud | Bayou Manchac |
| Enterprise Rent A Car - Enterprise Leasing Co of New Orleans | Treated exterior vehicle and equipment wash wastewater | -91.110000 | 30.432500 | Local Drainage | Bayou Manchac |
| Louisiana Lift & Equipment Inc | Exterior vehicle and equipment wash wastewater | -91.004722 | 30.357778 | Local Drainage | Bayou Manchac |
| Louisiana Lift & Equipment Inc | Treated sanitary wastewater less than 5,000 GPD | -91.004722 | 30.357778 | Local Drainage | Bayou Manchac |
| Check Engine | Sanitary Wastewater | -90.985000 | 30.334167 | Welsh Gully | Bayou Manchac |
| Gerry Lane Chevrolet | Washrack wastewater, shop floor washdown, paint booth washdown and wet sanding wastewaters | -91.124167 | 30.452222 | Ward Creek | Bayou Manchac |
| Motel 6 LP | Treated Sanitary Wastewater | -91.061667 | 30.383889 | Ward Creek | Bayou Manchac |
| Lamar Advertising Co Inc | Treated sanitary wastewater | -91.037500 | 30.353889 | Ward Creek | Bayou Manchac |
| Lamar Advertising Co Inc | Treated sanitary wastewater | -91.037500 | 30.353889 | Ward Creek | Bayou Manchac |
| CMC Construction Services - Concrete Accessories | Treated sanitary wastewater | -91.024444 | 30.350833 | Local Drainage | Bayou Manchac |
| Southern Valve Service Inc | Equipment washwater | -91.018611 | 30.351111 | Ward Creek | Bayou Manchac |
| Southern Valve Service Inc | Treated sanitary wastewater | -91.016389 | 30.349444 | Ward Creek | Bayou Manchac |
| Dolse Brothers Co - Prairieville Plant | Storm water and aggregate spray from sand and gravel unloading areas and stockpiles of washed sand and gravel | -90.966944 | 30.297500 | Muddy Bayou | Bayou Manchac |

| | | | | | |
|---|---|------------|-----------|----------------|---------------|
| Dolese Brothers Co - Prairieville Plant | Storm water and aggregate spray from sand and gravel unloading areas and stockpiles of washed sand and gravel | -90.966944 | 30.297500 | Muddy Bayou | Bayou Manchac |
| Popeye's | Sanitary Wastewater | -90.977222 | 30.319722 | Bayou Manchac | |
| Lake Market Inc Grocery | Treated Sanitary Wastewater | -90.868889 | 30.284167 | Bayou Manchac | |
| Royal Motel | Sanitary Wastewater | -90.988056 | 30.336111 | Unnamed Ditch | Bayou Manchac |
| Royal Motel | Sanitary Wastewater | -90.988056 | 30.336111 | Unnamed Ditch | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Manchac Plantation Subdivision STP | Treated Sanitary Wastewater | -91.007778 | 30.337222 | Unnamed Ditch | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Manchac Crossing Subdivision STP | Treated Sanitary Wastewater | -91.007778 | 30.337222 | Unnamed Ditch | Bayou Manchac |
| Ascension Parish Government - Trailerland Subdivision | Treated Sanitary Wastewater | -90.976389 | 30.335278 | Welsh Gully | Bayou Manchac |
| Circle K #9728 | Exterior Vehicle Wash Wastewater | -91.004444 | 30.362222 | Roadside Ditch | Bayou Manchac |
| Circle K #9728 | Treated Sanitary Wastewater | -91.004444 | 30.362222 | Roadside Ditch | Bayou Manchac |
| Highland Shell | Treated exterior vehicle wash wastewater | | | Local Drainage | Bayou Manchac |
| Highland Shell | Treated groundwater; purge water from groundwater monitoring wells; tank washwater and ballast waters; wastewater associated with remediation of petroleum-contaminated soils and groundwater; dewatering releases associated with the excavation of petroleum-contaminated soils; and potentially contaminated storm water; or any combination of these discharges | -91.030278 | 30.345000 | Roadside Ditch | Bayou Manchac |
| Shaw Constructors Inc - Equipment Yard | Exterior vehicle and equipment wash wastewater | -91.000556 | 30.326111 | Welsh Gully | Bayou Manchac |
| ISC Properties LLC | Commingled exterior vehicle wash wastewater and sanitary wastewater | -91.003333 | 30.361944 | Local Drainage | Bayou Manchac |
| All Star Automotive Group - All Star Ford Lincoln - Mercury | Commingled discharges of treated washrack & sanitary wastewater | -90.985278 | 30.333611 | Local Drainage | Bayou Manchac |
| Donna L Kleinpeter DVM | Treated Sanitary Wastewater | -91.024167 | 30.360833 | Ward Creek | Bayou Manchac |
| Nights RV Park | Sanitary Wastewater | -91.022500 | 30.459167 | Bayou Manchac | Blind River |
| St Gabriel City of - Carville Wastewater Treatment Facility | Treated sanitary wastewater | -91.099444 | 30.229444 | Bayou Braud | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Les Chenier Subdivision STP | Treated sanitary wastewater | -90.956389 | 30.323611 | Muddy Creek | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Meadow Ridge Subdivision STP | Treated sanitary wastewater | -90.952222 | 30.325278 | Muddy Creek | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Twelve Oaks Subdivision STP | Treated sanitary wastewater | -90.908333 | 30.333333 | Bayou Manchac | Amite River |
| Ascension Wastewater Treatment Inc - Manchac Harbor Subdivision STP - 1st & 2nd Filings | Treated sanitary wastewater | -90.942222 | 30.329167 | Muddy Creek | Bayou Manchac |
| Bee's Partnership - Gallagher Center | Treated sanitary wastewater | -91.030000 | 30.343889 | Fountain Bayou | Bayou Manchac |
| TNT Performance & Repair LLC - Diesel Performance Facility | Sanitary Wastewater | -91.001111 | 30.353056 | Bayou Manchac | |
| Circle K Store #7660 | Exterior vehicle and equipment wash wastewater | -91.027222 | 30.348333 | Roadside Ditch | Bayou Manchac |
| Circle K Store #7660 | Treated sanitary wastewater | -91.027222 | 30.348333 | Roadside Ditch | Bayou Manchac |

| | | | | | |
|--|--|------------|-----------|-------------------------------|-------------------|
| St George Fire Protection District #2 - Highlandia Drive Station #68 | Sanitary Wastewater | -91.027778 | 30.341667 | Local Drainage | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Ultima Plaza | Treated sanitary waste water | -90.985278 | 30.338611 | Welsh Gully | Bayou Manchac |
| Infiniti of Baton Rouge | Treated Washrack Wastewater | -91.033056 | 30.374722 | Ward Creek | Bayou Manchac |
| Frank's Restaurant & Banquet Hall | Treated sanitary wastewater totaling less than 25,000 GPD | -90.979167 | 30.327222 | Bayou Manchac | |
| ABB DE LLC | Water jet abrasive wastewater, hydrostatic water pressure test system wastewater, sanitary wastewater from the machine shop (estimated flow is 1650 GPD) | -90.997778 | 30.326111 | Welsh Gully | Bayou Manchac |
| Greg Martrain Strip Shopping Mall | Treated sanitary waste water | -90.988333 | 30.336667 | Roadside Ditch | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Perkin's Condos | Treated sanitary wastewater | -91.010000 | 30.330000 | Local Drainage | Bayou Manchac |
| Garcia Management Group LLC | Treated Sanitary Wastewater | -90.995833 | 30.323889 | Bayou Manchac | Amite River |
| CVS Pharmacy | Treated Sanitary Wastewater | -90.976944 | 30.320000 | Bluff Swamp | Bayou Manchac |
| LA Grove Fuel Lube & Carwash | Treated sanitary wastewater | -90.980000 | 30.322778 | Bayou Manchac | |
| Ascension Wastewater Treatment Inc - Manchac Harbor Crossing | Treated Sanitary Wastewater | -90.947500 | 30.339167 | Cotton Bayou | Bayou Manchac |
| Enterprise Rent a Car | Treated exterior vehicle and equipment wash wastewater | -90.986389 | 30.336389 | Bayou Manchac | Mississippi River |
| Legacy Oaks LLC - The Highlands @ New Richmond | Treated Sanitary Wastewater | -91.138333 | 30.376111 | Fountain Bayou | Bayou Manchac |
| Legacy Oaks LLC - Legacy Oaks | Treated Sanitary Wastewater | -91.129722 | 30.372500 | Fountain Bayou | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Lasalle Point Subdivision | Treated Sanitary Wastewater | -91.008056 | 30.314444 | Bluff Swamp | Bayou Manchac |
| Ascension Wastewater Treatment Inc - Landing At Mallard Lakes - WWTP | Treated sanitary wastewater | -90.923611 | 30.349722 | Parish Drainage Ditch | Bayou Manchac |
| Ascension Wastewater Treatment Inc - The Lakes At Jamestown - WWTP | Treated Sanitary Wastewater | -91.058056 | 30.363611 | Ward Creek | Bayou Manchac |
| Ascension Wastewater Treatment Inc - The Reserve At Jefferson Crossing | Treated Sanitary Wastewater | -90.999722 | 30.355000 | Ward Creek Diversion Canal | Bayou Manchac |
| Mo-Dad Utilities LLC - DeGage Condominiums | Treated sanitary wastewater | -90.963333 | 30.321667 | Muddy Creek | Bayou Manchac |
| Enterprise Leasing Co of New Orleans - Enterprise Rent a Car | Exterior vehicle and equipment wash wastewater | -91.121944 | 30.451944 | Unnamed Canal | Bayou Manchac |
| Valpal LLC - Prairieville Office Park | Treated Sanitary Wastewater | -90.000000 | 30.000000 | Unnamed Ditch | Bayou Manchac |
| Valpal LLC - Prairieville Office Park | Treated Sanitary Wastewater | -90.000000 | 30.000000 | Unnamed Ditch | Bayou Manchac |
| Rotolo's Prairieville | Treated Sanitary Wastewater | -90.000000 | 30.000000 | Welsh Gully | Bayou Manchac |
| Old Galvez Town Mobile Home Estates | Treated Sanitary Wastewater | -90.000000 | 30.000000 | Unnamed Ditch | Bayou Manchac |
| Magnolia Car Wash | Exterior vehicle and equipment wash wastewater | -91.132222 | 30.444722 | Ward Creek | Bayou Manchac |
| Perkins Road Express Car Wash | Exterior vehicle and equipment wash wastewater | -91.061667 | 30.363889 | Local Drainage | Bayou Manchac |
| Giovanni Mucciacciaro Enterprises LLC - Giovanni Square | Treated Sanitary Wastewater | -91.010556 | 30.358056 | Ward Creek | Bayou Manchac |

APPENDIX C

House Concurrent Resolution No. 28 (2008) - Nominates Bayou Manchac

Regular Session, 2008

HOUSE CONCURRENT RESOLUTION NO. 28

BY REPRESENTATIVE FOIL AND SENATORS AMEDEE AND N. GAUTREAUX

A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to study Bayou Manchac for possible inclusion in the Louisiana Historic and Scenic Rivers system.

WHEREAS, Bayou Manchac is an eighteen-mile waterway that forms the boundary between the parishes of East Baton Rouge and Ascension; and

WHEREAS, the bayou was at one time called the d'Iberville River, named for the first Western explorer to have floated it when Iberville, who had already made his way up the Mississippi River and discovered what would later be the site of Baton Rouge, wished to find a quick way back to the Gulf of Mexico to his ships at Ship Island; and

WHEREAS, the chief of the Bayougoula tribe, who had accompanied him to the future site of Baton Rouge, showed him the bayou which the Bayougoula used to travel between the present-day Mississippi Gulf Coast and their village; and

WHEREAS, Bayou Manchac was once considered one of the most important waterways in the American southeast and was a vital link from the Mississippi River to the Amite River and on to the Gulf of Mexico, a link that was used by everyone from Native Americans and French explorers to nineteenth century steamboat captains and twentieth century loggers and fishermen and has been a major waterway throughout southeast Louisiana's history.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Department of Wildlife and Fisheries to study Bayou Manchac for possible inclusion in the Louisiana Historic and Scenic Rivers system.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the secretary of the Department of Wildlife and Fisheries.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

APPENDIX D

LDWF's Recommendation to the Legislature (2009)



BOBBY JINDAL
GOVERNOR

State of Louisiana
DEPARTMENT OF WILDLIFE AND FISHERIES
OFFICE OF SECRETARY

ROBERT J. BARHAM
SECRETARY

April 8, 2009

Representative Gordon Dove
Chairman, House Natural Resources and Environment Committee
P.O. Box 94062
Baton Rouge, LA 70804

RE: 2008 House Concurrent Resolution No. 28; To urge and request the Department of Wildlife and Fisheries to Study Bayou Manchac for Inclusion in the Louisiana Historic and Scenic Rivers System.

Dear Representative Dove:

The Louisiana Department of Wildlife and Fisheries, as directed by the Legislature in the 2008 Regular Session by House Concurrent Resolution No. 28 authored by Representative Foil and Senators Amedee and N. Gautreaux, has completed a study of Bayou Manchac in East Baton Rouge, Ascension and Iberville Parishes which is being considered for inclusion in the Louisiana Historic and Scenic River System.

RS 56:1856 does not subject streams, rivers or bayous being considered for inclusion as Historic and Scenic Rivers to the same minimum qualifying criteria as those nominated for inclusion as Natural and Scenic Rivers but does subject them to the provisions and regulations of the Scenic Rivers Act. In considering the possibility of recommending that this stream be included in the Louisiana Historic and Scenic River System, we have evaluated it based on the following three primary criteria:

- 1) The definition found in RS 56:1842(9) which defines a Historic and Scenic River as "a river, stream, or bayou or segment thereof which because of its unique historical status and scenic character requires protection and preservation of its aesthetic, scenic, recreation, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features."
- 2) State ownership of the waterbottom.
- 3) Public support for such a designation.

Criterion One – Unique Historical Status and Scenic Character

Bayou Manchac does, without a doubt, possess a long and rich history that has been significant not only to the development, growth and establishment of Louisiana, but also to that of the nation. There is so much information relative to the Manchac's historic significance that a popular novel has even been written about the Bayou. Below is a much abbreviated synopsis of Bayou Manchac's historic significance:

1699 - Pierre le Moyne, Sieur de Iberville made the first recorded European use of the Bayou Manchac and Amite River route to the Gulf after learning of it from the Bayougoula Indians. Iberville wrote in his journal, *"This place where I am is one of the prettiest spots I have seen, fine level ground, beautiful woods, clear and bare of canes..."*. The first map to include the Bayou Manchac-Amite River route was published in France in 1702 by Guillaume de L'Isle and calls the entire route from the Mississippi to Lake Maurepas "River d'Iberville." This route is said to have saved travelers transporting skins and other goods 125 miles (ten days) on their journeys to the trading port that is present day New Orleans.

1762 - Bayou Manchac serves as the International Boundary between the French and Spanish Territories.

1763 - Bayou Manchac serves as the International Boundary between British and Spanish Territories. The British established a trading post called "Manchac" and Fort Bute to protect it at the confluence of the Iberville River (Manchac) and the Mississippi River.

1770 - Bayou Manchac begins being referred to by its present day name. A British survey revealed that the Iberville River was a tributary of the Amite River and not the other way around. Some maps of this time period also begin referring to the Iberville River by its present day name.

1800 - Bayou Manchac serves as the International Boundary between French and Spanish Territories again. In 1800, Spain retroceded Louisiana, including the Isle of Orleans, to Napoleonic France and Bayou Manchac again became the International Boundary between French and Spanish Territories.

1814 - During the War of 1812, in 1814, Lafitte pointed out to General Andrew Jackson that the British could utilize Bayou Manchac as a means of access for an attack on New Orleans. Jackson ordered Bayou Manchac closed where it joins the Mississippi in such a way that it would be impossible for the British to navigate it.

1862 - During the Civil War, the Confederates regained Baton Rouge in 1862, but not before Union troops had looted the city, burned large portions of it, and released all of the convicts from the state penitentiary. Some of these convicts headed for the Amite River and Bayou Manchac swamplands, which had attracted a criminal element who exploited the absence of civil authority. Confederate authorities dispatched some of their scarce troops to the region to bring relief to citizens from the bands of desperados.

1891 - The Corps of Engineers began removing snags, logs, and trees along Bayou Manchac. In 1909 the Corps of Engineers constructed the Delatour, a combination dredge and snag boat built specifically for the Bayou Manchac - Amite River route. In 1926, the dredge Grosse Tete removed 1,354 obstructions from the Amite River - Bayou Manchac route. The project only went as far as Ward's Creek. In 1928, congress enacted legislation directing the Corps of Engineers to contain the Mississippi with levees below Cairo, Illinois. This gave Federal control over the isolation of Bayou Manchac from the Mississippi River.

1951 - In 1951, camps began to appear along Bayou Manchac. The Louisiana Department of Highways "Traffic and Planning Maps" of 1951 show only 7 camps along the Amite River - Bayou Manchac corridor; two in Ascension, two in Livingston, and three in East Baton Rouge Parish. By 1954, there were seventy-two camps along the corridor and, by 1972, the number of camps along the Amite River - Bayou Manchac corridor had reached over 600 and was climbing at a rate of 50 to 60 per year.

1993 - The co-owners of Alligator Bayou Tours learned that hundreds of acres of bottomland hardwoods in the Spanish Lake Basin adjacent to Bayou Manchac would be cut for lumber. This valuable habitat was saved by Frank Bonifay, Jim Ragland and community members working in cooperation with local, state and federal government. Bluff Swamp Wildlife Refuge & Botanical Gardens, a national non-profit organization, was established to protect 901 acres of land adjacent to Bayou Manchac that is home to giant cypress trees, alligators, snakes, turtles, owls, white-tailed deer, and more than 250 species of birds.

Further, on our boat trip down Bayou Manchac on October 24, 2008 (from the Amite River to Alligator Bayou), it was noted that the bayou does, in fact, possess scenic qualities. The banks of the bayou are covered in 90%+ native vegetation (a Natural and Scenic criterion) despite its long history of dredging and snagging operations. The banks were found to be stable and it possessed both primitive and rural-pastoral qualities that are both "scenic" in nature and worth preserving, protecting, and enhancing for the benefit of present and future citizens of Louisiana. The bayou is large enough to support substantial recreational use and can accommodate such uses without undue impairment of its historic and scenic qualities.

Criterion Two – Determination of State Ownership

The Department contacted the Louisiana State Land Office and requested an official determination of ownership of the waterbottom of Bayou Manchac. That determination revealed that the State does, in fact, claim ownership of the waterbottom of Bayou Manchac from the Amite River to the Mississippi River. Documentation of that determination is on file in this office.

Criterion Three – Public Support for Designation

A public hearing was held on March 17, 2009 at Jones Creek Library in Baton Rouge, Louisiana. Public notices were run advertising this hearing in The Advocate, the Gonzales Weekly, and the Post South journals. There were 15 attendees. All but one of the speakers spoke in support of this designation. One speaker was not sure of his position at the time of the hearing. Eight written comment forms were submitted at the hearing in support of the designation, five of which were submitted by adjacent landowners. We allowed an additional ten day written comment period and received five written comments from people supporting this designation, one written comment not supporting this designation and one written comment that did not express a clear position.

Additionally, during that written comment period, a petition was submitted bearing 165 signatures of members of the public supporting Bayou Manchac being designated a Louisiana Historic and Scenic River; 21 of these indicated that they were adjacent landowners. This petition was produced, as we understand it, in late 2007 and/or early 2008 when a nomination was being sought for Bayou Manchac as a Scenic River and we have taken into account the fact that there is almost certainly some duplication of individual's comments in the written comments we received directly. However, any resulting disparity would not be enough to have a significant impact on the prevailing consensus expressed by the public.

Finally, the Department received a resolution passed by the The Board of Commissioners of the Pontchartrain Levee District opposing the designation of Bayou Manchac as a Historic and Scenic River. They express as a basis for that resolution several concerns that we believe are simply unfounded. The concerns they expressed (*italics*) are individually addressed below:

"such designation will prevent the Board...from constructing, operating and maintaining the required project and project features"

"Such designation" would not prevent the Board from doing anything in the best interest of the people of Louisiana. Existing structures and operations would be "grandfathered in". It would, however, raise the bar of accountability on the part of the Board to demonstrate that the positive impacts of proposed new projects will outweigh the negative impacts and that it will, in fact, work as designed while also limiting negative physical and ecological impacts to Bayou Manchac. If they have compelling evidence of success of a proposal, they would have

no problem getting approval from the Legislature and/or the Department of Wildlife and Fisheries. This could be accomplished with a statutory exemption should any aspect of a proposed project fall under the prohibitions associated with a Historic and Scenic designation. Further, our Scenic Rivers rules and regulations (Title 76, Part IX, Section 117 (J)) provide specifically for allowing the Department "to authorize a waiver" from the required evaluation time periods "in emergency circumstances clearly appearing from the face of the applicant's application". The Department issued over 30 such "emergency permits" following Hurricanes Katrina and Rita specifically for projects restoring drainage to the affected areas.

"the Board is concerned about the safety and welfare of the residents using the bayou" because "Bayou Manchac does not meet the criteria for Primary Contact Recreation, Secondary Contact Recreation and Wildlife Protection" according to the Louisiana Department of Environmental Quality due to impairments associated with "Fecal Coliform and Dissolved Oxygen"

Designating Bayou Manchac as a Historic and Scenic River would provide higher standards for what can be discharged into Bayou Manchac. Not only will new point source discharges (particularly new wastewater treatment plants and plant expansions) require permits with strict water quality standards from this Department, but, over time, as the riparian buffer is re-established/protected, water quality in the Bayou will likely improve.

"the Board is also concerned that the additional permitting requirements represent duplication of processes already in place with the Corps, LDEQ, LDNR and others and may unnecessarily burden all parties with added expense and delays."

The Scenic River permitting process does not represent "duplication". We look at impacts to fish and wildlife, water quality, ecological integrity, recreation, botanical elements, cultural resources, scenic values and economics, all from the perspective of protecting, conserving and replenishing the fish and wildlife resources of the State for the benefit of present and future citizens of Louisiana. A Historic and Scenic designation represents a higher standard, not duplication. The only costs associated with our process are putting together a thorough permit application, a \$100 application fee and the cost of the necessary public notices. Our permit process is 60 days long barring a request for a public hearing which might extend it to 120 days (4 months). Once issued, a Scenic Rivers Permit is valid for 18 months and we can grant up to two six month extensions if needed for a total of 2 1/2 years of an active, valid permit for construction to begin.

In conclusion, we do not find compelling justification for disqualifying Bayou Manchac on the grounds presented in the Pontchartrain Levee District's resolution.

Recommendation

Based on the information we have gathered on the history and physical characteristics of Bayou Manchac, we have determined that it does possess historical and scenic values and qualities that are of value to the citizens of Louisiana and that it fits the definition of a Historic and Scenic River. Additionally, the fact that this process began with a showing of interest from the public, many of them adjacent landowners, as well as the positive responses we have received in our evaluation process, we believe that such a designation has great potential for success. The support of the public, adjacent landowners (who are themselves subjected to the regulatory process in their efforts to be good stewards of water bodies they live on), and recreational end users is what makes initiatives like a Scenic River designation successful.

Therefore, it is the Department's recommendation that the Louisiana Legislature amend RS 56:1856(B) to include Bayou Manchac, from the Amite River to the Mississippi River levee, as a Louisiana designated Historic and Scenic River. Should you choose to do so, you can be assured that the Department will work diligently to provide the protections such a designation bestows.

Thank you for the opportunity given us by the Legislature to conduct this study and to get to know the people who so diligently participated in our process. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,



Robert J. Barham
Secretary

dkc

cc Representative Franklin J. Foil
Senator Jody Amedee
Senator Nick Gautreaux
Representative Elton M. Aubert
Representative Eddie J. Lambert
Representative M.J. "Mert" Smiley, Jr.
Senator Yvonne Dorsey
Senator Rob Marionneaux, Jr.

APPENDIX E

House Bill No. 451/Act No. 370 (2009) - Designates Bayou Manchac

Regular Session, 2009

ACT No. 370

HOUSE BILL NO. 451

BY REPRESENTATIVE FOIL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 56:1856(B) and to enact R.S. 56:1855(M), relative to historic and scenic rivers; to include certain waters within the state historic and scenic rivers system; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1856(B) is hereby amended and reenacted and R.S. 56:1855(M) is hereby enacted to read as follows:

§1855. Exceptions

* * *

M.(1) Notwithstanding the provisions of R.S. 56:1856(B)(2), the department shall permit the construction of flood control projects on Bayou Manchac that include replacing the structures at Alligator Bayou and Frog Bayou; providing a structure for constricting the backwater flow in Bayou Manchac; constructing, elevating, or protecting the road along the south side of Bayou Manchac in the vicinity of and to the west of the Alligator and Frog Bayou water control structures; or any realignment of the lower portion of Ward Creek that flows into Bayou Manchac.

(2) Notwithstanding other provisions of R.S. 56:1853, snagging and dredging operations for drainage purposes in Bayou Manchac shall be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849.

(3) No provision in this Chapter shall prohibit the construction of any bridge across Bayou Manchac.

* * *

APPENDIX F

State of Louisiana, Office of State Lands - Waterbottom Ownership Determination



State of Louisiana
Division of Administration
STATE LAND OFFICE

February 6, 2009

Mr. Keith Cascio
Scenic Rivers Coordinator
Louisiana Department of Wildlife & Fisheries
368 CentryTel Drive
Monroe, LA 71203

Re: Bayou Manchac
Located within T8S-R1E
East Baton Rouge & Iberville Parishes, Louisiana
(SLO File No. 565.5)

Dear Mr. Cascio:

In accordance with your request, I have made a cursory review of State Land Office records to determine the state's claim to Bayou Manchac within the above captioned Township.

I have researched the official U.S. government township plat, 2004 aerial photography, various editions of the USGS quadrangle maps, and other information on file in our office to make a determination of state ownership of water bottoms within the requested area.

The state claims the bed and water bottom of Bayou Manchac within T8S-R1E as a historically navigable waterway.

Article 9, Section 3 of the Louisiana Constitution states as follows:

"The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion..."



State of Louisiana

Division of Administration STATE LAND OFFICE

February 2, 2009

Mr. Keith Cascio
Scenic Rivers Coordinator
Louisiana Department of Wildlife & Fisheries
368 CentryTel Drive
Monroe, LA 71203

Re: Bayou Manchac
Located within T8S-R2&3E
East Baton Rouge & Ascension Parishes, Louisiana
(SLO File No. 453.4)

Dear Mr. Cascio:

In accordance with your request, I have made a cursory review of State Land Office records to determine the state's claim to Bayou Manchac within the above captioned Townships.

I have researched the official U.S. government township plat, 2004 aerial photography, various editions of the USGS quadrangle maps, and other information on file in our office to make a determination of state ownership of water bottoms within the requested area.

The state claims the bed and water bottom of Bayou Manchac within T8S-R2E and T8S-R3E as a historically navigable waterway.

Article 9, Section 3 of the Louisiana Constitution states as follows:

"The legislature shall neither alienate nor authorize the alienation of the bed of a navigable water body, except for purposes of reclamation by the riparian owner to recover land lost through erosion..."

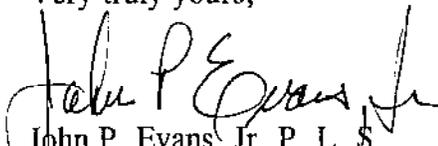
State Land Office • Post Office Box 44124 • Baton Rouge, Louisiana 70804-4124
(225) 342-4578 • Fax (225) 342-5458 • www.doa.louisiana.gov/slo

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Mr. Keith Cascio
February 2, 2009
Page 2

Accordingly this report is limited to the matters discussed here and is based upon the referenced documentation. Any matters of historic usage, navigability in law, public rights of use and access or other matters which are beyond the purview of this office are expressly excluded. Therefore, in the event additional evidence is made available, this office reserves the right to review said evidence and amend its claim as deemed appropriate. -

Very truly yours,



John P. Evans, Jr. P. L. S.
Chief, Titles, Surveys & GIS

Cc: Mr. Charles R. St. Romain