

PART IX. NATURAL AND SCENIC RIVER SYSTEMS

Chapter 1. Guidelines and Procedures for the Administration of the Natural and Scenic Rivers and Historic and Scenic Rivers

101. Authority and Purpose

A. These regulations are adopted pursuant to the authority of the "Louisiana Scenic Rivers Act", Acts 1988, No. 947, Section 1, effective July 27, 1988, or R.S. 56:1840, et seq.

B. The purpose of these regulations is to establish procedures and provide a mechanism whereby the Department of Wildlife and Fisheries can preserve, protect, develop, reclaim and enhance the wilderness qualities, scenic beauties and ecological regime of rivers and streams or segments thereof included within the Louisiana Natural and Scenic Rivers and Historic and Scenic Rivers System and for the further purposes of preserving aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical and other natural and physical features and resources found along these rivers and streams or segments thereof.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1841(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:679 (July 1991).

103. Definitions

"The Act" - the Louisiana Scenic Rivers Act, Acts 1988, No. 947, Section 1. effective July 27, 1988, or R.S. 56:1840 et seq.

"Administrator" - the Secretary of the Department of Wildlife and Fisheries.

"Channel realignment" - the practice by which dredging, ditching, or other means are used to shorten or re-route the natural stream course.

"Channelization" - the practice of changing a natural stream, or segment thereof, into a man-made ditch or canal with channels of a relatively uniform width and depth usually necessitating the removal of trees and other woody vegetation adjacent to the stream and constructed for the purpose of accelerating water runoff.

"Clearing and snagging" - the practice of removing most obstructions, trees, snags and other impediments that retard the natural stream flow.

"Historic and Scenic River" - a river, stream, or bayou or segment thereof that has been designated by the Legislature as part of the Louisiana Historic and Scenic River System.

"Natural and Scenic River" - a river, stream, or bayou or segment thereof that has been designated by the legislature as part of the Louisiana Natural and Scenic Rivers System.

"Normal Activities" - those activities on lands that do not directly and significantly degrade the ecological integrity of a Natural and Scenic River.

"Person" - an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, receiver, tutor, curator, executor, administrator, fiduciary, organization or representative of any kind, the United States Government, federal agency, the State of Louisiana, state agency, municipality, commission, political subdivision, local governing authority or special subdivision of the State of Louisiana.

"Pollutant" - any substance in concentrations which tend to degrade the chemical, physical, biological, or radiological integrity or quality of the water in a river.

"Reservoir construction" - any permanent dam or impoundment which alters the shoreline of a river in the System.

"River" - includes rivers, streams, bayous and segments thereof and their waters, and generally those bodies of water having the characteristics of being confined within a distinct, longitudinal channel which is defined by continuous or interrupted banks and which

exhibits a width to length ratio of less than one (W/L < 1).

"Scenic servitude" - a contract between the adjacent riparian landowner and the Administrator that shall be in the nature of a development agreement for the purpose of preserving the natural state of the landscape through mutual agreement on the activities which might affect the natural landscape.

"Selective harvesting" - the removal of trees, either as single scattered individuals or in small groups at relatively short intervals resulting in openings generally less in width than twice the height of the dominant trees. Repeated indefinitely, selective harvesting ensures the continuous establishment of reproduction, and an uneven aged stand adequate to encourage and maintain stream shading and stream and stream bank integrity.

"Surface servitude" - a contract between the stream owner and the Administrator that shall relieve the landowner of liabilities and assure the public of access and use of the stream surface.

"System" - all Natural and Scenic Rivers and all Historic and Scenic Rivers.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1842.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:680 (July 1991).

105. Applicability of these Regulations

These regulations shall apply to all uses proposed to be undertaken on the stream or on adjacent lands within 100 feet of a designated System stream by any "person" whether or not concurrence, authorization, or matching funding is provided by any state agency, local governing authority, political subdivision, or special district of the State of Louisiana, unless restriction of those uses are exempted from regulations pursuant to the provisions of R.S. 56:1852(B).

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1850 and R.S. 56:1852(B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:680 (July 1991).

107. Duties and Powers of the Administrator

The Administrator may delegate powers and duties to individuals within the Department of Wildlife and Fisheries for the implementation of these regulations and procedures and to ensure compliance with the Act. The Administrator shall provide said individuals with sufficient technical and clerical assistance to accomplish this purpose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1843. HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:680 (July 1991).

109. Study and Recommendation of Natural and Scenic Rivers

A. Study and Report to the Legislature. Upon nomination for inclusion or declassification of a river by the legislature through passage of a concurrent resolution, the Administrator shall study, file a report, and issue a recommendation, to the natural resource committees of the legislature regarding any river nominated for inclusion in or declassification from the System. The Administrator's recommendation shall be made no sooner than eight months and no later than twelve months from the date of nomination for inclusion and no later than 120 days from the date of nomination for declassification. All recommendations shall use evaluation procedures provided for in these regulations.

B. Criteria for Study and Recommendation. In undertaking the study and making the recommendation, the Administrator shall consider, but will not be limited to, the following criteria:

1. Whether the river is free flowing;

2. Whether the river has been channelized, cleared or snagged, realigned, inundated, or otherwise altered, within the past 25 years;

3. Whether the river has a shoreline covered by native vegetation;

4. Whether the river has no or few man-made structures along its banks;

5. Whether the scene as viewed from the river is pleasing (i.e. primitive or rural-pastoral) or these conditions are restorable;

6. Whether the river and its setting possess natural and recreational values of outstanding quality;

7. Whether the river and its setting are large enough to sustain substantial recreational use and to accommodate existing uses without undue impairment of the natural values of the resource or quality of the recreational experience;

8. Whether the river will provide present and future benefits to Louisiana citizens through preserving, protecting, and enhancing its wilderness qualities, scenic beauties, and ecological regimes and its aesthetic, scenic, recreational, fish, wildlife, ecological, geological, botanical, and other natural and physical features and resources found along the river and adjacent lands;

9. Whether the river receives any point source discharges that would tend to cause pollution;

10. Existing uses of adjacent lands within 100 feet of the ordinary low water line of the river, and the economic impact of such usages;

11. State ownership of the bed of the river; and

12. Appropriate longitudinal boundaries for the river segment to be included within the system.

C. Consultation. Prior to submission of the report and recommendation to the legislature, the Administrator shall consult with the Louisiana State Planning Office, the Department of Environmental Quality, the Louisiana

Department of Culture, Recreation and Tourism, the Department of Agriculture and Forestry and other agencies that the Administrator determines may have an interest in the evaluation.

D. Form of Report and Recommendation. The report and recommendation to the Legislature shall:

1. Be in the form of a written report;
2. Include the evaluation of the criteria and the recommendation of the Administrator;
3. Include the written comments of other agencies; and
4. Become part of the record of the decision regarding the proposed recommendation.

E. Copies of Report. The Administrator shall provide copies of the report to the Louisiana State Planning Office, the Department of Environmental Quality, the Department of Culture, Recreation and Tourism, the Department of Agriculture and Forestry, the governing authorities of those parishes through which the river flows, and all readily identifiable adjacent landowners. Upon payment to the department for reproduction costs, the Administrator shall provide copies of the report to all other interested parties who have made a written request for the report.

F. Written Comments and Public Hearing. As part of the evaluation process and prior to any recommendation to the legislature, the Administrator shall:

1. Provide all interested parties and the public with the opportunity to submit written comment on the nomination, allowing a 45 day comment period;
2. Pursuant to the Louisiana Administrative Procedure Act, hold not less than one public hearing in the vicinity of the river nominated for inclusion in or declassification from the System to receive comments and recommendations from all interested parties and the public. The Administrator shall give its first notice at least 30 days prior to the hearing.

3. Notices referred to in this Section will be published in the official journal of each parish in which the river is located in three separate issues and in the official state journal; however, the comment period shall begin with publication of the notice in the official state journal. The Administrator shall notify each parish governing authority of the hearing by letter to its chief executive officer. The Administrator shall also give special notice of the public hearing to all readily identifiable landowners with property adjacent to the nominated stream and to other interested parties who have requested such notifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1845. HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:680 (July 1991).

111. Management Plan

A. Period for Plan Development. Within one year from the time a river is designated as a Natural and Scenic River or a Historic and Scenic River by the Legislature the Administrator shall adopt and commence development of a management plan for each river or designated segment. For rivers designated prior to January 1, 1989 development of management plans will commence no later than January 1, 1990.

B. Consultation. The plans shall be developed by the Administrator in consultation with the:

1. Louisiana State Planning Office;
2. Department of Environmental Quality;
3. Louisiana Department of Culture, Recreation and Tourism;
4. Department of Agriculture and Forestry; and
5. Any other agency that the Administrator determines may have an interest in the plan.

C. Plan Contents. Each Management Plan shall be in the form of a written document, and shall:

1. Be consistent with the purposes, policies, and provisions of the Scenic Rivers Act;

2. Contain a clear description and delineation in narrative and graphic form (maps or photographs) of:

a. Natural, cultural and aesthetic resources and features of the river area;

b. Existing land and water uses;

c. Land ownership; and

d. Existing land and water use controls, management devices and programs.

3. Set forth a detailed program to address existing features which have been identified as being important to be protected and preserved, and potential issues, problems and needs that impact, or may impact, resources and features of the river. The plan may include recommendations to federal, state, local and private entities on enhancement and reclamation of resources and features on a System river and may specify the mechanism through which the recommendations can be implemented;

4. Set forth management goals, objectives, policies, standards and management guidelines for the preservation of the System river;

5. Be reviewed every five years; and

6. Provide for the continuing involvement of the public in the development, implementation and administration of the plan.

D. Copies. The Administrator shall provide copies of the plan to:

1. Louisiana State Planning Office;

2. Department of Environmental Quality;

3. Department of Culture, Recreation and Tourism;

4. Governing authorities of those parishes through which the river flows;

5. Department of Agriculture and Forestry;

6. All readily identifiable adjacent landowners; and

7. Interested parties who have made a written request.

E. Written Comments and Public Hearing. Prior to adoption of the final management plan, the Administrator shall:

1. Provide all interested parties and the public, the opportunity to submit written comment on the draft management plan, allowing a 45 day comment period;

2. Pursuant to the Louisiana Administrative Procedure Act, hold not less than one public hearing in the vicinity of the river included in the management plan to receive comments and recommendations from all interested parties and the public. The Administrator shall give the first notice at least 30 days prior to the hearing.

3. Notices referred to in this Section will be published in the official journal of each parish in which the river is located in three separate issues and in the official state journal; however, the comment period shall begin with publication of the notice in the official state journal. The Administrator shall notify each parish governing authority of the hearing by letter to its chief executive officer. The Administrator shall also give special notice of the public hearing to all readily identifiable landowners with property adjacent to the nominated stream and to other interested parties who have requested such notifications.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1845.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:681 (July 1991).

113. Planning Considerations

R.S. 56:1848 specifies responsibility of local, state, and federal agencies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1848.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:682 (July 1991).

115. Prohibited Activities

The following uses of a System river, and all uses functionally related thereto, shall be absolutely prohibited:

1. Channelization;
2. Clearing and snagging;
3. Channel realignment;
4. Reservoir construction; and
5. Commercial cutting or harvesting of trees or timber in violation of the provisions of R.S. 56:1854.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1853.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:682 (July 1991).

117. Permitted Activities

A. All activities that may detrimentally affect or significantly degrade the wilderness quality, aesthetic values, or the ecological integrity of a System river shall be subject to a permit except:

1. Those prohibited uses set forth in §115 of these regulations;

2. Normal activities of private landowners within the boundaries of their property as provided by R.S. 56:1852(B); and

3. Harvesting of trees in accordance with R.S. 56:1854, provided that prior notification of any commercial harvesting of trees shall be given to the Louisiana Office of Forestry.

B. Activities requiring permits shall include, but not be limited to the following activities:

1. Crossings by roads, bridges, railroads, pipelines or utilities;

2. Sharing of land and airspace by such roads, railroads, pipelines and utilities;

3. Point source discharge of any pollutant (Prior to any person applying to the Department of Environmental Quality for a permit to discharge any pollutant into a System river, the person shall give written notice to the Administrator);

4. Prospecting, drilling and mining for nonrenewable natural resources;

5. Structures and buildings of any kind or size;

6. Piers, boat slips, bulkheads and landings;

7. Commercial uses, activities and access;

8. Commercial signs or other forms of outdoor advertising that are visible from the waters within a natural and scenic river; and

9. Water withdrawals, except for withdrawals made by an individual, adjacent property owner solely for residential purposes.

C. Application. Upon written request, the Administrator shall provide an application form to any person wishing to apply for a permit. Any person who proposes to make any permitted use of a System river, shall submit one original and six copies of a complete

application to the Administrator. The application shall contain:

1. Name, address and telephone numbers of the applicant;

2. Names and addresses of adjoining property owners whose property also adjoins the waterway;

3. Background information on the proposed use;

4. A detailed description of the proposed use;

5. Full description of any portion of the project which is under development or is completed;

6. Photographs and maps of the area where the uses would be made;

7. Full and thorough evaluation of the use's effect on the criteria listed in Subsection F, below;

8. Any alternatives to the proposed action;

9. Description of steps taken to minimize detrimental effects to the System river, and measures taken to ensure preservation of the System;

10. Identification of all authorizing local, state, and federal agencies and all permits applied for or obtained from such agency; and

11. Description of any noncompliance by applicant, adjudicated within Louisiana, regarding the Louisiana Scenic Rivers Act, the United States Wild and Scenic River Act, and all regulations and ordinances pertaining to these acts.

D. Insufficient and Incomplete Application. Upon receipt of an application, the Administrator shall determine whether the application is sufficient and complete in light of the requirements enumerated in Subsection C, above. If the application is not sufficient and complete, the Administrator shall return the application to the applicant with a description of how and why the petition is insufficient or incomplete. The

applicant shall be entitled to resubmit the petition after making the necessary changes or amendments.

E. Application Fees. An administrative fee of \$100 shall accompany each application. The administrative fee shall be deposited immediately upon receipt into the state treasury to be credited to the Scenic River Fund.

F. Project Evaluation. In determining whether or not a permit should be issued, the Administrator's evaluation shall consider the purposes for which the System is established and shall be made with a view toward maintaining the fundamental character and unique natural values associated with the System river. Any evaluation required to be made by this Section, shall fully and thoroughly consider, but not be limited to, the following criteria:

1. Wilderness qualities;
2. Scenic values;
3. Ecological regimes;
4. Recreation;
5. Aesthetic values;
6. Fish and other aquatic life;
7. Wildlife;
8. Historical and Archaeological resources;
9. Geological resources;
10. Botanical resources;
11. Water Quality;
12. Cultural resources;
13. Economics;
14. Compliance history as required in §117.C.11;

15. Any reasonable alternatives to the proposed use; and

16. a. Whether reasonable steps have been taken by the applicant to minimize and/or offset any detrimental effects on natural and physical features and resources.

b. A field evaluation of the project site by the Administrator's staff may be required. If such a field evaluation is necessary, the applicant shall pay a service charge of \$135 for each day required to complete the actual, on-site field evaluation.

G. Consultation. Prior to any final decision on any application for a permit, the Administrator shall prepare a written evaluation of the application and shall consult with the Louisiana State Planning Office, the Department of Environmental Quality, the Louisiana Department of Culture, Recreation and Tourism, the Department of Agriculture and Forestry and any other agency the Administrator determines may have an interest in the permit. The consultation shall be conducted within 30 days of receipt of a sufficient and complete application. By the end of this time period, the reviewing agencies shall forward any written comments and supporting documents to the Administrator. However, the Administrator can grant additional time for a consultation for good cause.

H. Written Comments and Public Hearing. Prior to making the final decision on a permit application, the Administrator shall:

1. Provide all interested parties and the public, the opportunity to submit written comment on the permit application, allowing a 45 day comment period;

2. In response to a showing of substantial interest by the public for a hearing as demonstrated by written requests from no less than 25 persons or from a group representing not less than 25 members, or upon request by the applicant, or at the Administrator's own discretion, hold a public hearing. The hearing will be held whenever such a hearing might clarify one or more issues concerning the application, and to receive comments and recommendations from all interested parties and the public. If a hearing is held it shall be in the vicinity

of the river. The Administrator shall give its first notice at least 30 days prior to the hearing.

3. Notices referred to in this Section will be published in the official journal of each parish in which the river is located in three separate issues and in the official state journal; however, the comment period shall begin with publication of the notice in the official state journal. The Administrator shall notify each parish governing authority of the hearing by letter to its chief executive officer. The Administrator shall also give special notice of the public hearing to all readily identifiable landowners with property adjacent to the nominated stream and to other interested parties who have requested such notifications.

I. Time Period for Review of the Application. The Administrator shall make a decision whether to grant or deny the permit within 15 days after the adjournment of the hearing or the end of the written comment period, whichever is latest.

J. Waiver of Evaluation Time Period. Upon the specific authorization of the Administrator, or the State Legislature, the evaluation required by §117.F-I, and/or the procedural delays provided for in Subsections L and M may be waived; provided, however, that the Administrator may only authorize a waiver in emergency circumstances clearly appearing from the face of the applicant's application and only after concurrence in the waiver is given by personnel of the Department of Wildlife and Fisheries, the Department of Culture, Recreation and Tourism, State Planning Office, the Department of Agriculture and Forestry, and the Department of Environmental Quality.

K. Reports of Permitted Uses. To the extent that it is feasible, it shall be the policy of the Administrator to inform users and potential users of System rivers as to what types of uses will be permitted. In carrying out this policy, the Administrator shall, from time to time, publish reports describing what types of uses have been permitted and what types of uses have not been permitted after the evaluations required by §117 have been undertaken.

L. Denial of Permits. The Administrator shall deny a permit for use of a System river if, after a full and

thorough evaluation, the Administrator finds that the proposed or alternative use would be unreasonable in light of the objective of maintaining the fundamental character and unique natural values associated with the System river.

M. Permit conditions

1. In issuing any permit, the Administrator may:

a. require conditions in the use and may require that appropriate steps be taken to minimize and/or offset the detrimental effects on the natural and physical features and resources enumerated by Subsection F, above, as a condition to the granting of the permit.

b. require assurance, including security, during the construction phase of the project, to assure compliance with permit requirements.

2. In setting the required assurance and security, the Administrator shall consider any noncompliance by applicant, adjudicated within Louisiana, regarding the Louisiana Scenic Rivers Act, the United States Wild and Scenic Rivers Act, and all regulations and ordinances pertaining to these acts.

N. Final Decision. The final decision by the Administrator on any application for a permit shall:

1. Be in the form of a written report;
2. Be part of the record of the decision;

3. Include an evaluation of the impacts on the criteria provided for in Subsection F, above; and

4. Give full and meaningful consideration and appropriate weight to the comments from other reviewing agencies.

O. Copies. The Administrator shall provide copies of the final decision to:

1. Louisiana State Planning Office;
2. Department of Environmental Quality;

3. Department of Culture, Recreation and Tourism;
4. Department of Agriculture and Forestry; and
5. Other interested parties who provide a written request.

P. Modification and Revocation. The Administrator may modify or revoke a permit, for good cause, after notice and an adjudicatory hearing, unless waived by permittee. Good cause includes, but is not limited to:

1. Any adjudicated violation of the permit conditions, the Act or these Regulations;
2. New and material evidence regarding the evaluation criteria listed in §117.F; and
3. Intentional misrepresentation of a material fact on the permit application.

Q. Failure to Begin Activity: Extensions. The permit shall expire if the activity has not begun within 18 months of permit issuance, except that the Administrator may grant a maximum of two extensions of six months each upon a finding that there has been no significant change in circumstances.

R. Appeals of Final Decisions. Any person aggrieved by any final decision of the Administrator shall be entitled to an appeal in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1844, R.S. 56:1849, R.S. 56:1852 and R.S. 56:1854.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), amended by the Office of the Secretary, LR 17:682 (July 1991).

119. Civil Penalties and Enforcement

A. For any violation of the provisions of §117.A and B, or any permit condition the Administrator, in accordance with R.S. 49:950 et seq. (Administrative Procedure Act) may:

1. Impose a civil penalty of up to \$1,000 for each violation;

2. Suspend, annul, withdraw, or revoke any permit;

3. Institute civil proceedings to enforce department rulings in the district court for the parish in which the violation occurs; and

4. Issue cease and desist orders, compliance orders, and obtain injunctions or other appropriate relief upon determining that a violation of these regulations has occurred, is about to occur, or is occurring.

B. Each day in which a violation occurs prior to voluntary cessation of the activity as a result of the receipt of any lawful order from the Administrator or the Administrator's authorized representative, or prior to cessation as the result of an injunction, shall be a separate offense.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1851(A) and (B).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), repromulgated by the Office of the Secretary, LR 17:684 (July 1991).

121. Criminal Penalties and Enforcement

Criminal penalties shall be assessed in accordance with R.S. 56:1851.C.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1851.C.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), repromulgated by the Office of the Secretary, LR 17:684 (July 1991).

123. Complaints

Any person shall have the right to file a complaint with the Administrator alleging a violation of the Act or regulations. When, from the complaint, it appears to the

Administrator that there is reasonable cause to believe that a violation has occurred, is about to occur, or is occurring, the Administrator shall conduct an investigation. If the investigation indicates that a violation has occurred, is about to occur, or is occurring, the Administrator shall initiate an enforcement action pursuant to §119 or shall refer the matter to the Attorney General or appropriate District Attorney for an enforcement action pursuant to the statutes referenced in §121. The Administrator shall respond to the complainant in an appropriate manner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1841 and R.S. 56:1843.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), repromulgated by the Office of the Secretary, LR 17:684 (July 1991).

125. Grants, Donations and Servitudes

Pursuant to R.S. 56:1843(2) and R.S. 56:1844 the Administrator may accept donations and grants for the purposes of administering the Scenic River System from public and private sources. The donations shall be deposited immediately upon receipt into the state treasury to be credited to the Scenic River Fund. Further, pursuant to R.S. 56:1843(7), the Administrator may enter into scenic and surface servitude agreements with landowners for the purposes of the Scenic River Act.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1843(2), R.S. 56:1843(7) and R.S. 56:1844.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), repromulgated by the Office of the Secretary, LR 17:684 (July 1991).

127. Severability

If any provision of these regulations is held invalid, such invalidity shall not affect the other provisions of these regulations which can be given effect without the invalid provisions, and to this end the provisions of these regulations are here declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:1850.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 2:456 (December 1976), repromulgated by the Office of the Secretary, LR 17:685 (July 1991).

Chapter 3. Royalties

301. Dredging

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:2011 et seq.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 13:30 (January 1987), repealed and repromulgated in Part XIII, Chapter 1, §101, LR 19:1341 (October 1993).