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## State of Louisiana

DEPARTMENT OF WILDLIFE AND FISHERIES  
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### SCENIC RIVER MANAGEMENT PLAN for DRAKE'S CREEK

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This document specifies the general and specific management strategies used by the Louisiana Department of Wildlife and Fisheries (LDWF or the Department) as Administrator of the Louisiana Natural and Scenic River System to regulate and control activities on Drake's Creek (the creek) in its endeavor to protect and restore the natural and scenic qualities of the creek. The document is divided into four parts. Part I addresses existing conditions in and along Drake's Creek, and contains a discussion of some of its unique features. Part II addresses management strategies that are specific to Drake's Creek 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 Drake's Creek 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**

### **DRAKE'S CREEK**

#### **1. Introduction**

The headwaters of Drake's Creek are found within Fort Polk Military Reservation. The Louisiana designated Natural and Scenic portion begins approximately nine tenths of a mile east of the intersection of Highway 421 and Highway 405 (Lookout Road) immediately south of the Lookout Road crossing. The creek flows from this point, generally south-southeast to its confluence with Whiskey (Ouiska) Chitto Creek within Vernon Parish (Figure 1). Drake's Creek, from Lookout Road to its confluence with Whiskey Chitto Creek, was designated a Louisiana Natural and Scenic River in the Regular Session, 2008 by Senate Bill NO. 48.

The designated segment of Drakes Creek is approximately 12 miles long. The bed of the creek is not state claimed from Lookout Road to its confluence with Whiskey (Ouiska) Chitto Creek; however, the vast majority of it is federally owned, part of U.S. Army and U.S. Forrest Service lands. The northernmost portion of the designated waterway is within Fort Polk Wildlife Management Area (WMA) and the vast majority of the remainder of Drake's Creek is located within the Kisatchie National Forest. The creek is located within the Drakes Creek Watershed Boundary. The Drakes Creek watershed has an area of 29,199 acres or 118 Square Kilometers (USDA GIS).

The creek has not been channelized, cleared, snagged, or otherwise altered, to the knowledge of LDWF staff. For the most part, the creek remains in a rural setting with little to no impacts from commercial or residential developments located along the designation. The primary land use is ecosystem management and habitat conservation.

Drake's Creek supports a wide range of recreational opportunities such as wading, fishing, hunting, birding, hiking, etc. Since the majority of the stream is within public lands, there are numerous potential access points along the stream via Fort Polk WMA and Kisatchie National Forest. Fishermen take common freshwater species (e.g., Flathead catfish, Largemouth bass, Redear sunfish, Spotted bass, Warmouth, etc.) from Drake's Creek.

**Drake's Creek- from Lookout Road to its confluence with Whiskey (Ouiska) Chitto Creek located in Vernon Parish.**

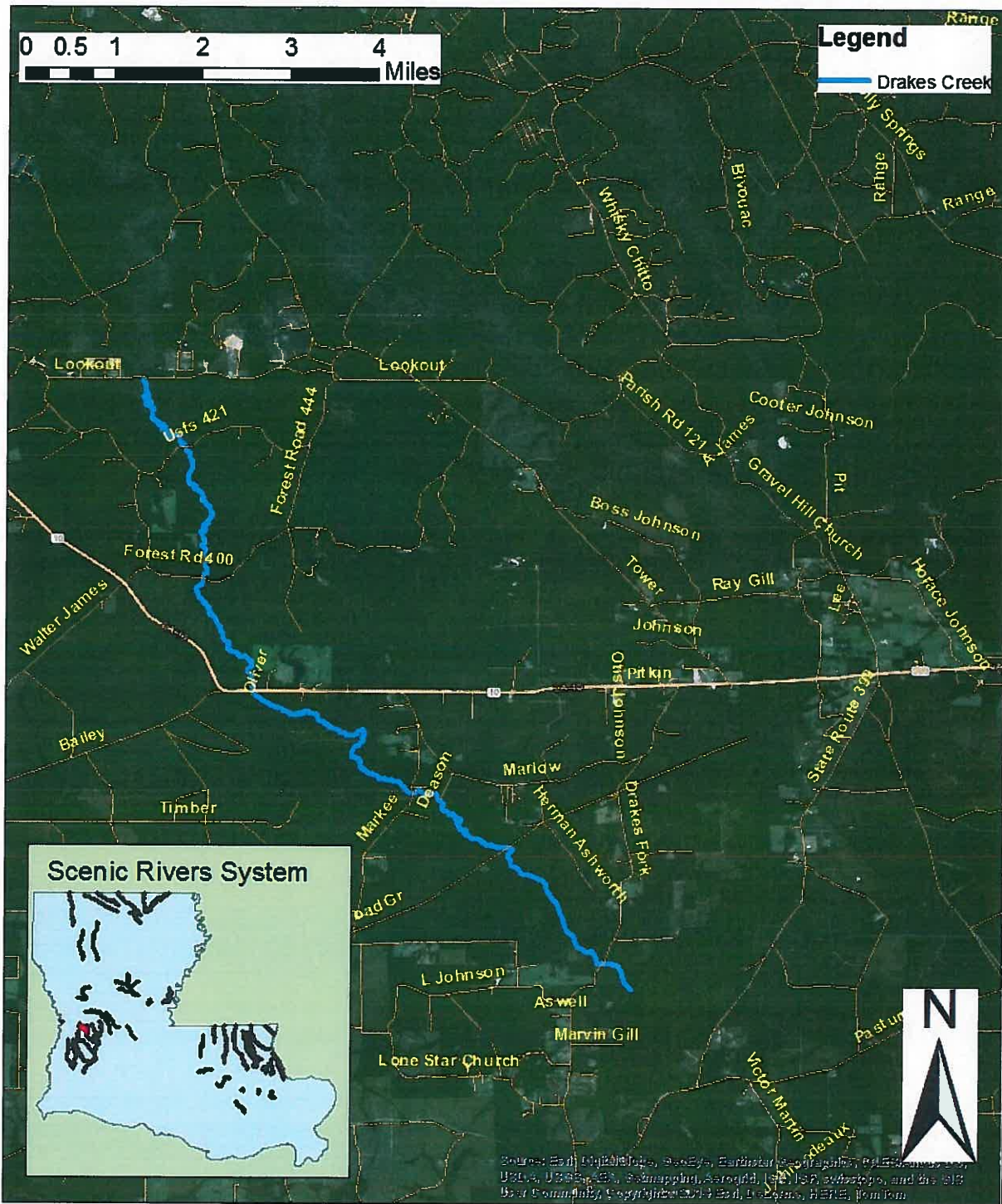


Figure 1. Drake's Creek, from Lookout Road to its confluence with Whiskey (Ouiska) Chitto Creek located in Vernon Parish.

## 2. Description

During LDWF's 2014 and 2017 field evaluation of Drake's Creek, the creek was found to be free flowing. Nearly the entirety of the creek's banks were covered by native vegetation. It was determined that the creek and its setting possessed natural and recreational values of outstanding quality and the scene as viewed from the creek is quite pleasing.

The vast majority of the Drake's Creek Scenic River designation is located within the Kisatchie National Forest and Fort Polk Wildlife Management Area (WMA). Due to its setting within these managed lands, general land use is mostly controlled by the United States Department of Agriculture Forest Service and the Louisiana Department of Wildlife & Fisheries. Most of the lands around the creek are managed as native pine flatwoods with some inclusions of pine plantation. Small stream forest and other riparian habitats have been allowed to flourish within an expansive riparian zone along the creek. This riparian zone contains many mature trees of outstanding quality. Except for a few impacted reaches within private lands, this high quality riparian zone exists along the entirety of Drake's Creek from Lookout Road to its confluence with the Whiskey (Ouiska) Chitto Creek. Due to the extent of well-established riparian vegetation, the streams connectivity to the floodplain, and other factors, the creek appears to be very stable.

For the most part, Drake's Creek is too narrow and constricted to offer access to canoe or kayak. Due to the accessibility of surrounding public lands and the nature of the stream, it may be best explored by wading and hiking.

The vast majority of the surrounding lands are forested; however, a small number of tracts outside of the stream corridor are maintained as pasture. Homesteads and similar developments are sparse and removed from the stream corridor. There are few to no residents or camps within view of the creek. Oil and gas exploration has been limited, only a single pipeline right of way was found crossing Drake's Creek, and only one oil and gas well pad was visible during our survey. The well pad lies approximately 2,000 feet from the creek. Drake's Creek has remained un-impacted by hydraulic fracturing activities such as well construction, pipeline right of ways, and water withdrawals. There are 6 known road crossings over the creek that are maintained by local or state authorities. A single abandoned railroad right of way intersects the creek; however, for the most part, it does not impede flow, as the railroad bed does not extend across the creek.

# Drake's Creek-Land Cover

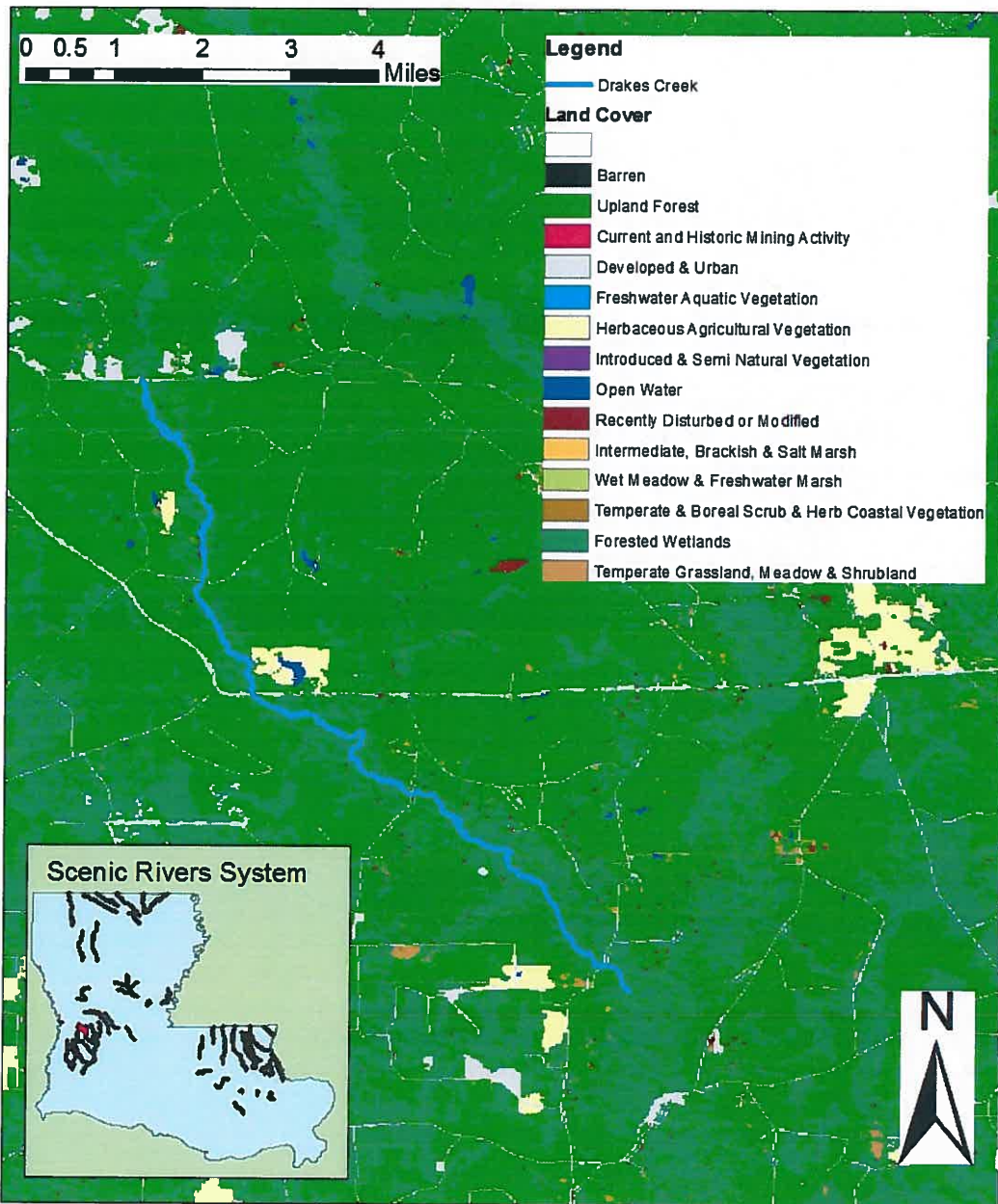


Figure 2. Land Cover in vicinity of Drake's Creek

### 3. Natural Heritage

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 thirteen species of conservation concern and three natural communities of conservation concern known to occur within 400 meters of Drake's Creek. Those species are the Bachman's Sparrow (*Aimophila aestivalis*), Big Brown Bat (*Eptesicus fuscus*), Eastern Harvest Mouse (*Reithrodontomys humulis*), Henslow's Sparrow (*Ammodramus henslowii*), Louisiana Pigtoe (*Pleurobema riddellii*), Pineland Bog Button (*Lachnocaulon digynum*), Purple False-foxglove (*Agalinis filicaulis*), Red Milkweed (*Asclepias rubra*), Red-cockaded Woodpecker (*Picoides borealis*), Southern Creekmussel (*Strophitus subvexus*), Southwest Bedstraw (*Galium virgatum*), and Yellowroot (*Xanthorrhiza simplicissima*). Historical records indicate that, Bearded Grass-pink (*Calopogon barbatus*) were observed in the area over 40 years ago and may still persist. The three natural communities are Bayhead Swamp, Small Stream Forest, and Western Hillside Seepage Bog. 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>).

# Drake's Creek Assessment

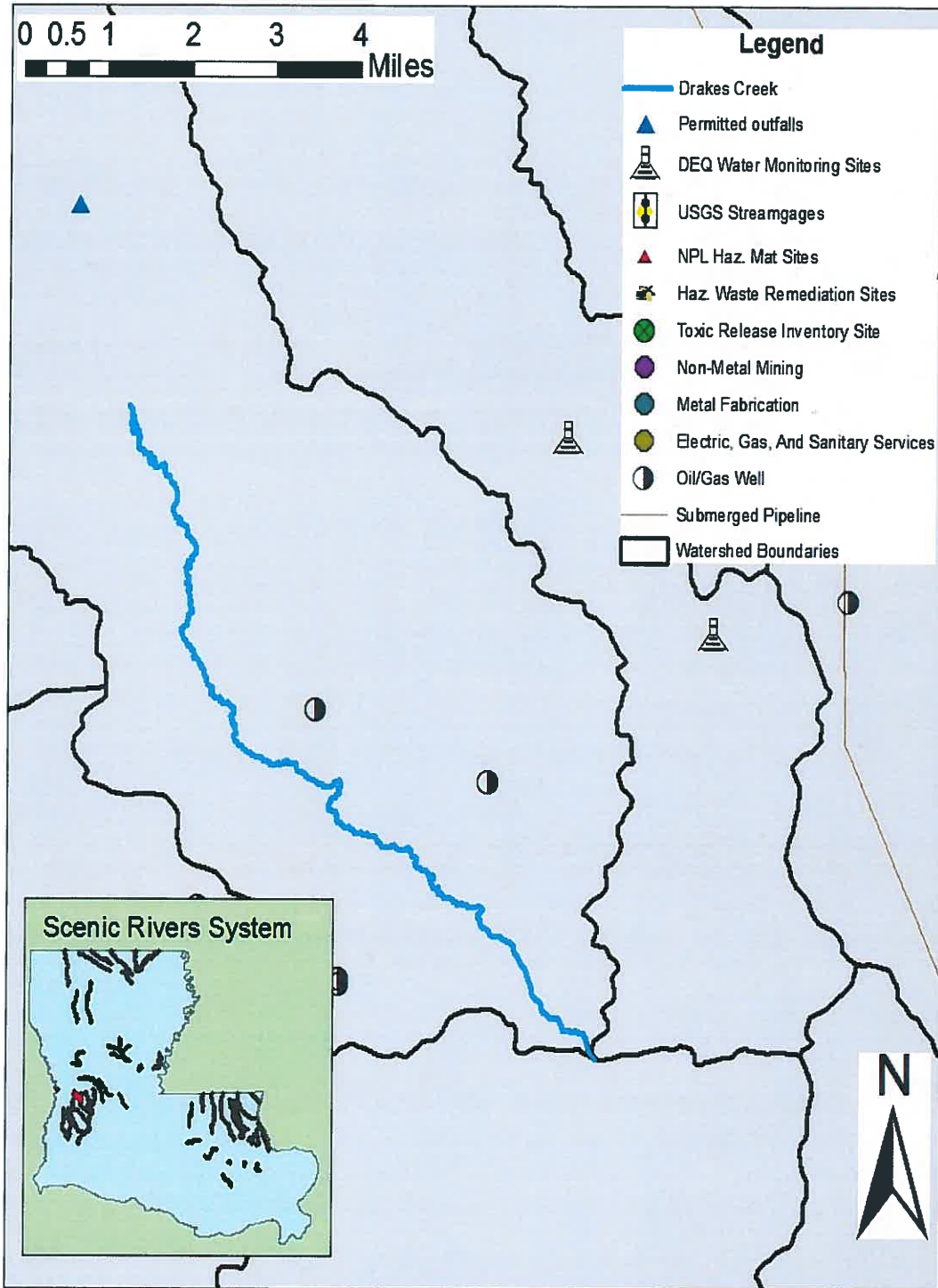


Figure 3. Potential industry/hazards and sample sites in vicinity of Drake's Creek

## 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 values
- (5) Aesthetic values
- (5) Fish and other aquatic life
- (6) Wildlife resources
- (7) Historical and archaeological
- (8) Geological resources
- (9) Botanical resources
- (10) Water quality
- (11) Cultural resources
- (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.

R.S. 56:1853 further prohibits the use of a motor vehicle or other wheeled or tracked vehicle on a designated system stream, except for (a) permitted uses, and; (b) direct crossings by immediately adjacent landowners, lessees, or other persons who have written permission from the landowner to access adjoining tracts of land, for noncommercial activities in a manner that does not directly and significantly degrade the ecological integrity of the stream. Written permission must be in the person's possession and include the landowner's contact information. Violations of the provisions of this Section constitute a class three violation, R.S. 56:36.

R.S. 56:1854 prohibits the commercial clear cutting of timber within one hundred feet of the ordinary low water mark of a Scenic River. Violations of the provisions of this Section constitute a class two violation, R.S. 56:32.

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 the general public, including resource 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**

Drake's Creek does not have an established Total Maximum Daily Load (TMDL) and it has not been included on the state's section 303(d) list. Waterbodies on the 303(d) list are impaired and still require a Total Maximum Daily Load (TMDL). We could find no indication that stream is impaired or otherwise not fully supporting Fish and Wildlife Propagation, Primary Contact Recreation, Secondary Contact Recreation, Agriculture, etc.

LDWF will support management aimed at preserving the waterbody's ability to support recreation and fish and wildlife propagation. LDWF will consider the creek's existing uses and condition when reviewing any future proposal which may have an impact on water quality.

As of the date of this plan, there are no permitted direct or indirect discharges to Drake's Creek. This includes those discharges in which Drake's Creek is the first, second, third or fourth waterbody receiving the discharge.

### **1. Direct Point Source Discharges**

Direct point source discharges are those discharges that enter directly into Drake's Creek. No potentially polluting discharge will be permitted by the Scenic River Administrator if that discharge is directly into Drake's Creek unless the existence of that discharge predates the inclusion of Drake's Creek 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. Although most Scenic Rivers have been designated as Outstanding Natural Resource Waters (ONRW), several recent additions to Scenic System, including Drake's Creek, have not been afforded that designation. Nonetheless, LDWF intends to afford protections to the waters of the creek, congruent to those provided to ONRWs by the antidegradation policy in the State Water Quality Standards, LAC 33:IX.1109. The determination of non-degradation of Drake's Creek 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 Drake's Creek. 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 Drake's Creek. All new discharges will require a Scenic Rivers Permit and must cause no degradation to the water quality of the creek.

A new direct discharge resulting from the proposed consolidation and replacement of existing individual package plants with an improved regional collection and treatment system will be treated similarly to the modification of an existing direct discharge. For authorization to be considered, the consolidated discharge must result in an improvement in discharge characteristics, or in reduced concentration and volume of contaminants. However, the permittee will be strongly discouraged from discharging directly to Drake's Creek (especially if a viable alternative exists) and use of an alternate receiving waterbody may ultimately be required. Furthermore, the discharge will be subject to a Scenic River Permit and more stringent limits, congruent with those provided for by the antidegradation policy in the State Water Quality Standards, LAC 33:IX.1109 may be applied to the discharge. The determination of non-degradation of Drake's Creek will be based upon the measured effect of the new discharge compared to the measured effect of the preexisting discharges which it will replace.

In regard to LPDES permitting, since LDEQ has not designated Drake's Creek as an ONRW, LDEQ does not consider the creek subject to the "no degradation" requirement. It should be noted that according to LDEQ, the creek may, however, be subject to "Tier 2" analysis by LDEQ, and as such, its waters may be subject to the antidegradation policy in that its water quality is better than necessary to support designated uses. LAC 33:IX.1109 requires that such waters be maintained at their existing high quality unless the state chose to lower standards if deemed justifiable but only after the completion of appropriate analysis and after completion of the public participation processes and not to the extent of violating the established water quality standards. LDWF will encourage LDEQ to reassess the creek for designation as an ONRW. In the interim, LDWF will petition LDEQ to afford the creek Tier 2 status and any and all associated protections.

## **2. Indirect Point Source Discharges**

Indirect discharges are those discharges that do not enter directly into a Scenic River, but are discharged to tributary waterbodies. 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 Drake's Creek into the Scenic River System, or, (2) The indirect discharge meets Louisiana Water Quality Standards and its effect cannot be measured in Drake's Creek at the confluence of the tributary, thus meeting the requirements of the antidegradation policy in the State Water Quality Standards, LAC 33:IX.1109, 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 Drake's Creek 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 Drake's Creek. If the indirect discharge is shown to exert a negative impact on Drake's Creek, even if the discharge meets the State's water discharge permit limitations, an alternate receiving waterbody for the discharge will be mandatory.

## **3. Non-Point Source Discharges**

Vegetation in the riparian zone along Drake's Creek and its tributaries is an important component of non-point source pollution control and water quality maintenance. Commercial removal of the riparian vegetative cover 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 Rivers 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 discharged from residential sewer and septic systems as well as any houseboats and similar vessels moored along the creek. It shall be the goal of LDWF to eliminate all such discharges into Drake's Creek. LDWF will work with our Enforcement Division and our legal staff to make the laws already in place more enforceable. LDWF will also coordinate closely with LDEQ and any unpermitted discharges of wastewater will also be referred to LDEQ via the Single Point of Contact (SPOC) system:

<http://deq.louisiana.gov/form/file-a-citizen-complaint>

All houseboats moored on Drake's Creek for more than 30 days will require a Scenic River Permit and/or require that the houseboat have a letter of certification from the Health Unit of the parish within which the system stream is located, verifying that it has an approved sewerage disposal system on board. All occupants of houseboats and floating camps must utilize an approved sewerage disposal system when on a system stream. Furthermore, all houseboats must be moored to a legally permitted pier, piling, or bulkhead. Mooring to trees may be acceptable;

however, connections must not damage the trees and written permission from the owner of the trees must be obtained.

## **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 Rivers Act or that may be necessary to preserve or enhance the scenic values and wilderness quality of Drake's Creek, 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 Drake's Creek, LDWF will negotiate Scenic Easements with willing landowners. Those easements will be designed to provide maximum protection to the wildlife habitat along and in Drake's Creek 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 Rivers 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), (5) Commercial clear cutting of timber within one hundred feet of the ordinary low water mark and (6) use of a motor vehicle or other wheeled or tracked vehicle on a designated system stream and (7) any use requiring a permit where a permit has not been obtained [see Section 115 for exceptions].

### **A. Bridges**

New bridge crossings, replacements and repairs to existing bridges over Drake's Creek 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, especially those such as in-stream pilings that may pose a hazard to navigation or cause debris to accumulate and block the channel. 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.

Any future bridge crossings across Drake's Creek 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 Drake's Creek during construction of the bridge is to be avoided. Equipment will not be allowed to ford the stream unless no other 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 from the work area 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 Drake's Creek 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 launch or other access point is appropriate and whether a reasonable amount of safe parking can be provided. A sign indicating that Drake's Creek is a Louisiana Natural and Scenic River will be placed in a prominent location along the bridge approaches on both sides of the stream.

#### **B. Flood Control, Drainage & Navigation**

Impoundments, clearing and snagging, channelization, and channel realignment are all prohibited by the Scenic Rivers 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 in reduced water quality, the antidegradation policy in the State Water Quality Standards, LAC 33:IX.1109 may 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 Drake's Creek 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 Vernon parish government. The coordination is important to both the parish government and LDWF to ensure that no activity proposed by the parish government will be in violation of the Scenic Rivers Act.

#### **C. Other Projects**

Any other project which requires a Federal, State or local permit and which will have an environmental impact on Drake's Creek will require a Scenic River Permit. Those projects include, but are not limited to: USACE permits, LDEQ permits, DNR 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 Drake's Creek 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 Drake's Creek.

## **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 Drake's Creek. 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 creek.

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 Drake's Creek will require a Scenic River Permit. Additionally, when appropriate, e.g. for oil and gas pipelines, LDWF will require that a Spill Containment and Countermeasures Contingency plan is provided to the Department. It is the policy of the Administrator to require subterranean, directional drilling/boring of pipeline crossings on Drake's Creek. 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 creek'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 Drake's Creek, whether aerial or subterranean, will require a Scenic River Permit. Directional boring will be required for all subterranean crossings of Drake's Creek. 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 Drake's Creek. Under no circumstances will a seismic shot be allowed within the channel of Drake's Creek. No Scenic River Permit is required for seismic activity, except when seismic equipment must cross the creek. 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.

LDWF will encourage exploration companies to site proposed oil and gas wells a minimum of 500 feet from the banks of the creek. 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 and hydraulic fracturing activities within the floodplain of Drake's Creek. If the drilling location is in a position such that leaks, spills and discharges could naturally enter Drake's Creek 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 Drake's Creek. If access to the well passes within 100 feet of Drake's Creek and is not along a pre-existing access route or road, a Scenic River Permit will be required for construction of the access road. Depending on their proximity to the stream, permanent facilities such as production platforms, tank batteries, heat treaters, flow lines and lift lines may require a permit as well.

Water withdrawal from Drake's Creek for the purpose of hydraulic fracturing will be discouraged and considered an option of last resort. All other potential water sources, including all other nearby surface waters and hauling in water from an outside source, must be included in a comprehensive alternatives analysis study. Alternative sources must be determined to be

infeasible before the Administrator will consider accepting an application for a Scenic River Permit to withdraw water from the creek. If such an application is accepted, the applicant can expect to be required to strictly adhere to rigorous best management practices and permit conditions aimed at reducing potential impacts and maintaining environmental flows.

#### **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 Drake's Creek. Furthermore, a significant forested riparian buffer is to be maintained between any proposed mining operation and the natural bank of Drake's Creek.

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 Rivers Act. Any existing mining operations along Drake's Creek 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 Drake's Creek, 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 Drake's Creek 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 Drake's Creek without treatment because of the potential for increasing the turbidity of the stream or contaminating the stream with excess nutrients and other agricultural chemicals.

Clearing of riparian vegetation and cultivating within 100 feet of Drake's Creek 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, water quality, etc. 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 Drake's Creek. 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. Recommended Forestry Best Management Practices for Louisiana can be found at:

<http://www.ldaf.state.la.us/forestry/management/best-management-practices-and-statistics/>

Prior to beginning any cutting activity adjacent to Drake's Creek, 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 should be clearly marked. The timber harvest notification form can be found on the LDWF website at:

[http://www.wlf.louisiana.gov/sites/default/files/pdf/document/38574-timber/timber\\_harvest\\_notification\\_form.pdf](http://www.wlf.louisiana.gov/sites/default/files/pdf/document/38574-timber/timber_harvest_notification_form.pdf)

#### **G. Real Estate Development**

Any development within 100 feet of Drake's Creek will require a Scenic River Permit and must be compatible with uses described for the streams in the Scenic Rivers Act. Construction outside of the 100 foot buffer of Drake's Creek will require a permit if the activities have the potential to directly and significantly degrade the ecological integrity of the stream. Real estate development which would result in altered drainage patterns, clearing of property near Drake's Creek 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 Drake's Creek may have a direct, ecological impact on the stream and therefore, may require a permit. 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 Drake's Creek 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
- 10) Homes and associated structures

Anything that is placed or constructed within 100 feet of or directly into a Scenic River is subject to a Scenic River Permit. Furthermore, activities more than 100 feet from a Scenic River that have potential to significantly impact the ecological integrity of a system stream are 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, concrete with exposed rebar, 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 Drake's Creek. Should the use of erosion control methods and materials become necessary adjacent to Drake's Creek, they must be commonly accepted engineering methods and materials and must be designed to mimic, as closely as possible, the natural stream bank. If rip rap is used, it shall be of appropriate size and rip rap should be vegetated or joint planted throughout the project area (see NRCS National Engineering Handbook, Part 546, Technical Supplement 141, Streambank Soil Bioengineering for guidance).

Clear-cutting of trees for commercial purposes within 100 feet of a Scenic River is prohibited by the Scenic Rivers 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 Drake's Creek is a violation of both the state Water Pollution Control Act and the Scenic Rivers 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 Drake's Creek 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 Drake's Creek. The Department of Wildlife and Fisheries does, however, 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.

Use of a motor vehicle or other wheeled or tracked vehicle on a designated system stream is prohibited, except for permitted uses, and direct crossings by immediately adjacent landowners, lessees, or other persons who have written permission from the landowner to access adjoining tracts of land, for noncommercial activities in a manner that does not directly and significantly degrade the ecological integrity of the stream. Written permission must be in the person's possession and include the landowner's contact information.

LDWF does not intend, at present, to regulate such activities as canoe liveries or tubing on Drake's Creek. However, if those activities are established along Drake's Creek, 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 Drake's Creek 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 Drake's Creek will not be tolerated by LDWF. Landowners along Drake's Creek will be held responsible for the removal of all waste materials from the banks of the creek. 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 Louisianans 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 Drake's Creek from indirect sources.

The Department will support and encourage any feasible measures to keep litter from ending up in the creek, 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 creek, 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 LAND DEVELOPMENT NEAR A SCENIC RIVER**

Best Management Practices (BMPs) are methods or technologies that, if correctly applied, are effective at minimizing adverse impacts of land development activities. Using BMPs when conducting land 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.
- Preserve and protect existing vegetation where possible, especially trees.
- Remove sediment from stormwater before it leaves the site and stabilize disturbed soils during 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.
- Re-vegetate exposed soils within riparian and other critical areas as soon as possible following disturbance. This may include seeding areas if disturbance temporarily ceases for more than 14 days.
- Handle and store toxic and hazardous material such as fuels and lubricants in containment and 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 Hearings**

On November 5, 6, 12 and 13, 2014, public hearings were held in Dequincy, Leesville, Reeves, and DeRidder respectively, to gather public input for the creation of the Drake’s Creek and other Management Plans. A total of thirty-nine members of the public attended including Representative Dorothy Hill of District 32, representatives of the timber industry, and representatives of Sabine Riverkeepers. An additional 15 days were provided for written public comments regarding the management plan. In total, the LDWF received comments concerning 11 main topics as shown in the following table. An LDWF response to these comments is provided below.

Topics of Concern	Number of Comments
A. Cultural/Archaeological Sites	2
B. Scenic River Permit Triggers/Process	5
C. Scenic Rivers Staff Locations	1
D. Economic Benefits of Scenic Rivers	1
E. Scenic River Designation Process	3
F. Forestry BMPs	8
G. Management Plan Purpose/Process	5
H. LDWF Management Activities	2
I. Consideration of Public Input	4
J. Baseline Indicators/River Health	2
K. Public Access/Landowner Rights	10

**A. Preservation of Cultural and Archaeological sites**

LDWF will coordinate with the Louisiana Department of Culture Recreation and Tourism (CRT) to contribute to the formulation of any future plans to protect any potentially imperiled sites. Should such cultural sites be discovered, their locations will be kept confidential for their protection. In order to ensure that elements are adequately considered and protected, all proposed activities that pose the potential to impact known cultural sites will be submitted to the State Archaeologist, Dr. Chip McGimsey at CRT, for review and their recommendations will be given careful consideration in management and permitting decisions.

**B. Scenic River Permit Triggers/Process**

Several members of the public had questions concerning what activities would require a Scenic Rivers Permit and the steps necessary to obtain a Scenic Rivers Permit. LDWF’s Scenic Rivers website (<http://www.wlf.louisiana.gov/scenic-rivers>) provides a thorough description of the permit process as well as a general description of activities that may require a permit. The excerpt below was taken from that website and may address the public’s concerns. LDWF encourages anyone with additional questions regarding this topic to contact the Scenic Rivers Program for further clarification. Scenic Rivers Contact information is located in Appendix G.

The Louisiana Legislature has prohibited certain uses on designated watercourses to preserve, protect, develop, reclaim and enhance their natural and scenic qualities (Act 947 of 1988). Prohibited uses are: (1) channelization, (2) channel realignment, (3)

clearing and snagging and (4) reservoir construction (impoundment, (5) commercial cutting or harvest of trees or timber in violation of the provisions of R.S. 56:1854, (6) use of a motor vehicle or other wheeled or tracked vehicle on a designated system stream [see Section 115 for exceptions] and (7) any use requiring a permit where a permit has not been obtained.

Uses other than those that are prohibited that have potential of causing direct and significant degradation to a Scenic River or its tributaries are regulated by a permit process and multi-agency review by the Department of Wildlife and Fisheries, Department of Environmental Quality, Department of Agriculture and Forestry, Department of Culture, Recreation, Tourism, and the Office of State Planning & Budget, and frequently in collaboration with other State and Federal regulatory agencies. Examples of these include crossings by roads, pipelines and utilities, discharges, mining, piers, bulkheads and other non-conforming structures and activities.

After a complete and sufficient application has been assigned a permit number by the Scenic Rivers Coordinator, the copies are distributed to the review agencies for a full and thorough evaluation of thirty (30) days duration. During this time the coordinator may schedule and make a site inspection. The applicant publishes a description of the proposed use in selected newspapers and sends evidence of this to the Coordinator. The public comment period is forty-five (45) days and begins with the date of publication in the official state journal, "The Advocate". If there is sufficient interest from the public, a public hearing may be held. The decision by the Administrator (Secretary of the Department of Wildlife and Fisheries) to grant or deny the permit will be made within thirty (30) days after the close of the public comment period or the public hearing (if one is held). Most permits are valid for the useful life of the project, but are invalidated if the permitted activity has not begun within eighteen (18) months of permit issuance. Applicants may appeal denial of a permit to the 19th Judicial District Court after an administrative hearing in accordance with the State Administrative Procedure Act.

In serious and urgent situations, the waiting periods for standard permitting procedures may be greatly reduced and an emergency permit granted by the Administrator. For these emergency procedures to be applicable, it must be clearly indicated in the application and the site inspection that circumstances are sufficiently dire, through no fault of the applicant, to represent imminent harm to human health or the immediate environment and that those circumstances would significantly worsen during the review period required by standard procedure.

### **C. Scenic Rivers Staff Locations**

A participant requested information on the availability of Scenic Rivers staff. Currently, Scenic Rivers biologists operate out of LDWF's headquarters at 2000 Quail Drive, Baton Rouge, Louisiana 70808, as well as LDWF's Hammond Field Office at 42371 Phyllis Ann Drive, Hammond, Louisiana 70403. However, those biologists are responsible for all system streams throughout the state of Louisiana and are able to assist with Scenic Rivers issues wherever needed. Additionally, LDWF employs a number of Biologists with varying specialties as well as

law enforcement agents throughout the state who may be able to provide further assistance. Should any Scenic Rivers issues arise, the Scenic Rivers Program can be contacted through our website at <http://www.wlf.louisiana.gov/webform/scenic-river>, by direct email or by phone. Scenic Rivers Contact information is located in Appendix G.

#### **D. Economic Benefits of Scenic Streams**

One member of the public asked what economic impact a stream being designated as Scenic would have on the local community. Those whom asked the legislature to nominate Drake's Creek for the Louisiana Natural and Scenic Rivers System were probably aware of the potential benefits of protecting the stream, including increased water quality, improved wildlife corridors and aquatic habitat, and enhanced opportunities for boating, fishing, and hunting. The Department also considered the possible short-term and long-term benefits of protecting the stream when the creek was granted the Natural and Scenic River designation in 2004.

Environmental and recreational benefits are often very real - and frequently difficult to quantify for an open access resource, like Drake's Creek. Entrance does not require a ticket. Use does not demand a fee. There is no price tag affixed to many of the benefits that result from protecting such a resource. The information that might be used in the complicated economic tools that could estimate these values is generally not readily available.

In the absence of technical estimations, the Department usually assesses the benefits of the Scenic River system by listening to the anglers, hunters, boaters, and other people who use and benefit from the resource. This underscores the essential importance of public input to managing Louisiana's natural resources.

#### **E. Scenic River Designation Process**

Several members of the public expressed interest pertaining to how a river becomes a Louisiana Scenic River. This process is clearly defined by RS 56:1856. The following is a brief excerpt from the Act describing what must occur.

*A. Any river in this state may be nominated for inclusion in or declassification from the Louisiana natural and scenic rivers system only by concurrent resolution adopted by the legislature.*

*B. The administrator shall undertake a continuing study and shall make recommendations to the legislature regarding any river nominated for inclusion in or declassification from the system. Such recommendation for inclusion shall be made no sooner than eight months from the nomination of a river and only subsequent to the evaluation and procedures provided for in this Section. The administrator shall consider the following and other appropriate criteria in preparing the written evaluation and making the recommendation:*

*(1) The river is free-flowing, has not been channelized, cleared and snagged within the past twenty-five years, realigned, inundated, or otherwise altered and has a shoreline covered by native vegetation and has no or few man-made structures along its banks.*

*(2) The scene as viewed from the river is pleasing, whether primitive or rural-pastoral, or these conditions are restorable.*

(3) *The river and its setting possess natural and recreational values of outstanding quality.*

(4) *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 recreation experience.*

(5) *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, archaeological, geological, botanical, and other natural and physical features and resources found along the river and adjacent lands.*

(6) *The existing uses of adjacent lands and the economic impact of such usages.*

(7) *Determination of state ownership of the bed of the river.*

C. *Prior to any such recommendation each river nominated for inclusion in or declassification from the system shall be evaluated by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the evaluation. The recommendation shall be in the form of a written report, shall include the evaluation, and shall be part of the record of the decision regarding the proposed recommendation. The report shall include an evaluation of the criteria provided for in this Section and other such matters specified by the administrator. The administrator shall give the evaluation substantial weight in making the recommendation. The administrator shall file the report with the natural resources committees of the legislature and provide copies to the division of administration, the Department of Environmental Quality, the Department of Culture, Recreation and Tourism, and the governing authorities of those parishes through which the river flows.*

D. *Prior to any such recommendation and as part of the evaluation process, the administrator shall hold not less than one public hearing to receive comments and recommendations from all interested parties and the public. There shall be at least one public hearing in the vicinity of the river nominated for inclusion in or declassification from the system. The administrator shall, not less than thirty days prior to any hearing, publish a notice of the hearing in the official journal of the state and of each parish through which the river flows and notify each parish governing authority by letter to its chief executive officer. The administrator shall give notice to all interested parties, including adjacent landowners. Any recommendation for or against declassification from the system shall be made within one hundred twenty days from date of nomination.*

E. *The legislature may, by law, designate as a natural and scenic river any river recommended by the administrator for inclusion within the system. The legislature may, by law, declassify any river whether or not recommended by the administrator for declassification as a natural and scenic river. The legislature may appropriate sufficient monies to fund the cost of evaluating those rivers nominated to be natural and scenic rivers, or those rivers nominated for declassification.*

*Added by Acts 1970, No. 398, §1; Amended by Acts 1981, No. 837, §3; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 258, §1, eff. July 4, 1990; Acts 2004, No. 33, §4.*

## **F. Forestry Best Management Practices**

Members of the public, including representatives of the Louisiana Forestry Association, expressed concern regarding any potential modifications to existing forestry BMPs along Louisiana's Scenic Rivers. Suggestions for the modification of those practices were also made.

LDWF has worked with the Louisiana Department of Agriculture and Forestry (LDAF) to develop appropriate timber harvesting BMPs for work in and around a Scenic River, including Drake's Creek. We feel that these BMPs are both protective of the resources and considerate of the industry. We have and will continue to remain engaged with LDAF to ensure that new practices, technologies and other issues are addressed with updated guidance.

Our current regulations of the Scenic Rivers Act, as provided in "Recommended Forestry Best Management Practices for Louisiana", (<http://www.ldaf.state.la.us/forestry/management/best-management-practices-and-statistics/>) include:

Activities exempted from regulation by the Louisiana Scenic Rivers Act - While clearcutting of trees for commercial purposes within 100 feet of the low water mark is prohibited, removal of a portion of the trees is allowed as follows:

- *Selective harvesting* - The selective harvesting of trees for commercial purposes is exempt under the following definition: 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 bank integrity.
- The cutting of trees for the control of disease or insects
- The harvesting of timber for personal use by the person who owns or leases the property

Permits are not required for harvesting trees adjacent to Natural and Scenic Rivers, as outlined above, provided that *prior notification* is given to the Louisiana Office of Forestry and the Scenic Rivers Program.

Disposal of trees or tree tops into a Scenic River is a violation of both the State Water Pollution Control Act and the Scenic Rivers Act. The riparian landowner is liable for a violation of this nature regardless of who actually placed the trees or tops into the stream.

## **G. Management Plan Purpose/Process**

Several members of the public questioned the purpose of developing a Scenic Rivers Management Plan as well as what the development of such a plan entails. While the development of a Scenic Rivers Management Plan is required under the Scenic Rivers Act for streams newly adopted into the Scenic Rivers system, its purpose is to provide both LDWF staff

and the public with information on the condition of the Scenic River in question. Such factors as water quality, unique habitats, presence of endangered species, quality of riparian habitat, anthropogenic threats to the stream and its adjacent habitats and valuable cultural and historical sites are all evaluated in an effort to better understand the stream in question and help direct Scenic Rivers permitting decisions and potential conservation efforts. This process is clearly defined by RS 56:1856. The following is a brief excerpt from the Act describing what must occur.

- A. Within one year from the date a river is finally designated as a Natural and Scenic River, the administrator shall adopt and commence implementation of a management plan for that river which shall conform to the purposes and requirements of this Part. The plan shall be developed by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the plan. The plan shall be in the form of a written document. The administrator shall provide copies of the plan to the division of administration, the Department of Culture, Recreation and Tourism, the Department of Environmental Quality, and the governing authorities of those parishes through which the river flows.
- B. Prior to the adoption of a plan and as part of the process, the administrator shall hold not less than one public hearing to receive comments and recommendations from all interested parties and the public. There shall be at least one public hearing in the vicinity of the Natural and Scenic River. The administrator shall, not less than thirty days prior to any hearing, publish a notice of the hearing in the official journal of the state and of each parish through which the river flows and notify each parish governing authority by letter to its chief executive officer. The administrator shall give notice to all interested parties, including adjacent landowners.

#### **H. LDWF Management Activities**

Members of the public expressed concern over what LDWF management of Drake's Creek would entail. Section II, beginning on page 9 above, of this management plan explains in detail the role of LDWF's Scenic Rivers Program in managing activities which may impact Drake's Creek. This management plan proposes no significant changes to current Scenic Rivers Program management practices.

#### **I. Consideration of Public Input**

A participant asked that LDWF consider both present and past public input when formulating Scenic Rivers Management Plan. LDWF considered all comments (past and present) received from the public in the development of the Drake's Creek Scenic River Management Plan. LDWF will also receive and consider public comments in the management of all future proposed activities on Drake's Creek. For example, public comments will be taken into consideration in making Scenic River Permit decisions and in the development of individual permit conditions.

#### **J. Baseline Indicators/River Health**

Several members of the public discussed the use of baseline indicators or indicator species, such as mussels, in determining the health of Louisiana's Scenic Rivers. The concept behind indicator species being that their adaptations to specific naturally occurring conditions within an ecosystem make them vulnerable to disturbances such as changes in turbidity, flow rate, temperature, etc. A reduction in the population of any given indicator species may indicate that the natural historic conditions of their ecosystem have been degraded in some way.

The LDWF Scenic Rivers Program fully supports and encourages any efforts to better understand and enhance the water bodies under our jurisdiction. Unfortunately, funding and staffing shortages limit our ability to undertake such efforts ourselves. Should any qualified individual or organization wish to undertake a project, research related or otherwise, geared towards benefiting Louisiana's Scenic Rivers, we encourage them to do so. When shared with the Scenic Rivers Program, the results of such efforts may prove beneficial to our understanding of the creek, informing the development of future management goals and objectives and permitting decisions.

#### **K. Public Access/Landowner Rights**

We received emails and public comments expressing concern over a loss of landowner rights and increased trespassing resulting from the designation and/or our management plan. The designation and the subsequent management plan will in no way convey rights to access or allow trespassing on private property. Although we encourage use of a Scenic River by the public, use of Drake's Creek should never come at the expense of adjoining landowners.

#### **2. Written Comments**

In addition to coordinating agencies and associated local governments, LDWF will provide a copy of the draft Drake's Creek Scenic River Management Plan to those parties that request an opportunity to review the plan and provide comments prior to implementation. As well, a draft copy of the plan will be posted on the Scenic Rivers website to allow further public review and comment. All comments will be 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 will be considered for incorporation into this plan. If some of those suggestions are accomplished through other Department processes, explanations of those will be given or elaborated on in the plan.

## 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 Drake's Creek 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 Drake's Creek. 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.

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Jack Montoucet  
Administrator, Louisiana Scenic Rivers System

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Date

## APPENDIX A

Species of Conservation Concern Known to Occur on Drake's Creek

Common Name	Scientific Name	Federal Status	State Status	Global Rank	State Rank
Bachman's Sparrow	<i>Peucaea aestivalis</i>			G3	S3
Bayhead Swamp	Bayhead swamp			G3?	S3
*Bearded Grass-pink	<i>Calopogon barbatus</i>			G4?	S1
Big Brown Bat	<i>Eptesicus fuscus</i>			G5	S2
Eastern Harvest Mouse	<i>Reithrodontomys humulis</i>			G5	S3
Henslow's Sparrow	<i>Ammodramus henslowii</i>			G4	S3N
Louisiana Pigtoe	<i>Pleurobema riddellii</i>			G1G2	S1S2
Pineland Bog Button	<i>Lachnocaulon digynum</i>			G3	S3
Purple False-foxglove	<i>Agalinis filicaulis</i>			G3G4	S2
Red Milkweed	<i>Asclepias rubra</i>			G4G5	S3
Red-cockaded Woodpecker	<i>Picoides borealis</i>	Endangered	Endangered	G3	S2
Small Stream Forest	Small stream forest			G3	S2
Southern Creekmussel	<i>Strophitus subvexus</i>			G3	S1
Southwest Bedstraw	<i>Galium virgatum</i>			G4G5	S2
Western Hillside Seepage Bog	Western hillside seepage bog			G2G3	S1
Yellowroot	<i>Xanthorhiza simplicissima</i>			G5	S1

\* - Historical

## EXPLANATION OF RANKING CATEGORIES EMPLOYED BY NATURAL HERITAGE PROGRAMS NATIONWIDE

Each element is assigned a single global rank as well as a state rank for each state in which it occurs. Global ranking is done under the guidance of NatureServe, Arlington, VA. State ranks are assigned by each state's Natural Heritage Program, thus a rank for a particular element may vary considerably from state to state. Federal ranks are designated by the U.S. Fish & Wildlife Service under the provisions of the Endangered Species Act of 1973. **DISCLAIMER:** This document is not an official copy of the laws in effect and should not be utilized or relied upon as such. For this reason, the accuracy of the information contained within this document cannot be guaranteed and the reader is cautioned that it is his/her responsibility to be apprised of the laws in effect at any given time. These laws include those contained within the Louisiana Revised Statutes, particularly Title 56, the official regulations of the Louisiana Wildlife and Fisheries Commission, federal laws, and any local or parish ordinances.

### FEDERAL RANKS (USES A FIELD):

LE = Listed Endangered  
LT = Listed Threatened  
PE = Proposed endangered  
PT = Proposed Threatened  
C = Candidate

PDL = Proposed for delisting

E (S/A) or T (S/A) = Listed endangered or threatened because of similarity of appearance

XE = Essential experimental population

XN = Nonessential experimental population

No Rank = Usually indicates that the taxon does not have any federal status. However, because of potential lag time between publication in the Federal Register and entry in the central databases and state databases, some taxa may have a status which does not yet appear.

(Rank, Rank) = Combination values in parenthesis = The taxon itself is not named in the Federal Register as having U.S. ESA status; however, all of its infraspecific taxa (worldwide) do have official status. The statuses shown in parentheses indicate the statuses that apply to infraspecific taxa or populations within this taxon. **THE SPECIES IS CONSIDERED TO HAVE A COMBINATION STATUS IN LOUISIANA**

(PS) = partial status= Status in only a portion of the species' range. Typically indicated in a "full" species record where an infraspecific taxon or population has U.S. ESA status, but the entire species does not. **THE SPECIES DOES NOT HAVE A STATUS IN LOUISIANA**

(PS: Rank) = partial status= Status in only a portion of the species' range. The value of that status appears because the entity with status does not have an individual entry in NatureServe. **THE SPECIES MAY HAVE A STATUS IN LOUISIANA**

### 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 (e.g., a single physiographic region) 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)

GH = of historical occurrence throughout its range; i.e., formerly part of the established biota, with the possibility that it may be rediscovered (e.g., Bachman's Warbler)

GU = possibly in peril range-wide, but status uncertain; need more information  
G? = rank uncertain. Or a range (e.g., G3G5) delineates the limits of uncertainty  
GQ = uncertain taxonomic status

GX = believed to be extinct throughout its range (e.g., Passenger Pigeon) with virtually no likelihood that it will be rediscovered  
T = subspecies or variety rank (e.g., G5T4 applies to a subspecies with a global species rank of G5, but with a subspecies rank of G4)

**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)

(B or N may be used as qualifier of numeric ranks and indicating whether the occurrence is breeding or nonbreeding)

SA = accidental in Louisiana, including species (usually birds or butterflies) recorded once or twice or only at great intervals hundreds or even thousands of miles outside their usual range

SH = of historical occurrence in Louisiana, but no recent records verified within the last 20 years; formerly part of the established biota, possibly still persisting

SR = reported from Louisiana, but without conclusive evidence to accept or reject the report

SU = possibly in peril in Louisiana, but status uncertain; need more information

SX = believed to be extirpated from Louisiana

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

**STATE PROTECTION STATUS:**

State status are contained in Title 56 of the Louisiana Revised Statutes as well as

relevant rules and regulations adopted by the Louisiana Wildlife and Fisheries Commission and the Secretary of the Department of Wildlife and Fisheries. The Secretary of the Department of Wildlife and Fisheries is authorized to implement additional restrictions in emergency situations in order to protect fish and wildlife resources.

Endangered = Taking or harassment of these species is a violation of state and federal laws.

Threatened = Taking or harassment of these species is a violation of state and federal laws.

Threatened/Endangered = Taking or harassment of these species is a violation of state and federal laws.

Prohibited = Possession of these species is prohibited. No legal harvest or possession.

Restricted Harvest = There are restrictions regarding the taking and possession of these species.

**APPENDIX B**

LDEQ Authorized Discharges to Drake's Creek (2017)

**NONE**

**APPENDIX C**

Senate Concurrent Resolution No. 59 (2006) - Nominates Drakes Creek

SLS 06RS-1802

ORIGINAL

Regular Session, 2006

SENATE CONCURRENT RESOLUTION NO. 59

BY SENATOR MCPHERSON

**WATER/WATERWAYS.** Nominates a portion of Drake's Creek for inclusion in the Louisiana Natural and Scenic Rivers System.

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**A CONCURRENT RESOLUTION**

To nominate a portion of Drake's Creek in Vernon Parish for inclusion in the Louisiana Natural and Scenic Rivers System.

WHEREAS, the Louisiana Scenic Rivers Act sets forth procedures for inclusion of a river, stream, or bayou into the Louisiana Natural and Scenic Rivers System; and

WHEREAS, the United States Forest Service (USFS) concluded in its evaluation for the Kisatchie National Forest (KNF) Plan that the portion of Drake's Creek between Lookout Road and the south boundary of the Vernon Unit of the KNF qualifies for National Wild and Scenic Rivers System designation; and

WHEREAS, Option B of the KNF Plan recommended that portion of Drake's Creek between Lookout Road and the south boundary of the Vernon Unit of the KNF be included in the Louisiana Natural and Scenic Rivers System (LNSRS); and

WHEREAS, the adjacent Whiskey Chitto and Six Mile Creeks, including both east and west branches of Six Mile from Lookout Road south beyond the Vernon Unit boundary, are in the LNSRS; and

WHEREAS, the USFS's evaluation rated Drake's Creek as having regionally outstanding geological values, in part due to three known pitcher plant bog communities on special soils with high water tables within the Drake's Creek drainage, which include the

1 rare large-leaved rose gention and bog button, and a likelihood of broad-leaved bog buttons,  
2 which are found on nearby Birds Creek, a Whiskey Chitto tributary; and

3 WHEREAS, the Drake's Creek corridor is rated as being locally significant for its  
4 game and non-game wildlife, game fish and other aquatic wildlife resources, including the  
5 USFS sensitive-rated freshwater mussels: southern hickorynut (*Obovaria jacksoniana*),  
6 southern creekmussel (*Strophitus subvexus*), and Louisiana pigtoe (*Pleurobema riddellii*);  
7 and

8 WHEREAS, Drake's Creek is considered to have regionally outstanding botanical  
9 and ecological values, in part because its tributaries drain the Drake's Creek Natural Area  
10 and the Longleaf Scenic Area; and

11 WHEREAS, the Drake's Creek drainage is considered to have locally significant  
12 historic and cultural values with twenty-one known archeological sites, eight of which are  
13 considered potentially eligible for listing on the National Register of Historic Places; and

14 WHEREAS, recreation opportunities within the Drake's Creek drainage include  
15 hunting, fishing, camping and hiking; and

16 WHEREAS, Drake's Creek starts within the Fort Polk Military Reservation and  
17 flows through the military Intensive Use Area and Limited Use Area on the Vernon Unit of  
18 KNF and flows from the forest boundary to join with Whiskey Chitto Creek; and

19 WHEREAS, including Drake's Creek in the Louisiana Natural and Scenic Rivers  
20 System will provide additional protection under the authority of the Department of Wildlife  
21 and Fisheries.

22 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
23 nominate that portion of Drake's Creek from Lookout Road to its confluence with Whiskey  
24 Chitto Creek, located wholly within Vernon Parish, for inclusion in the Louisiana Natural  
25 and Scenic Rivers System.

26 BE IT FURTHER RESOLVED, that the Legislature of Louisiana does hereby  
27 request the Department of Wildlife and Fisheries to conduct a study and evaluation and  
28 submit recommendations for inclusion of Drake's Creek into the Louisiana Natural and  
29 Scenic Rivers System to the Louisiana Legislature prior to the 2007 Regular Session of the  
30 Legislature.

SLS 06RS-1802

ORIGINAL  
SCR NO. 59

- 1            **BE IT FURTHER RESOLVED**, that a copy of this Resolution be transmitted to the  
2 secretary of the Department of Wildlife and Fisheries.

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by J. W. Wiley.

---

**DIGEST**

McPherson

SCR No. 59

Nominates a portion of Drake's Creek for inclusion in the Louisiana Natural and Scenic Rivers System.

## **APPENDIX D**

LDWF's Recommendation to the Legislature (2007)



KATHLEEN BABINEAUX BLANCO  
GOVERNOR

State of Louisiana

BYANT O. HAMMET, JR.  
SECRETARY

DEPARTMENT OF WILDLIFE AND FISHERIES  
OFFICE OF SECRETARY

April 18, 2007

Senator Max T. Malone  
Chairman, Senate Natural Resources Committee  
P.O. Box 94183  
Baton Rouge, LA 70804

RE: **Senate Concurrent Resolution No. 59; Nomination of Drake's Creek in Vernon Parish for Inclusion in the Louisiana Natural and Scenic Rivers System.**

Dear Senator Malone:


The Louisiana Department of Wildlife and Fisheries, as directed by the Legislature, has completed an evaluation Drake's Creek in Vernon Parish which was nominated for inclusion in the Louisiana Natural and Scenic River System in the 2006 Regular Session by SCR No. 59 authored by Senator McPherson. In considering the possibility of recommending that this stream be included in the Louisiana Natural and Scenic River System, we have evaluated it based on the inclusion criteria outlined in LRS 56:1845. A public hearing was held on April 16, 2007 at Pitkin High School in Pitkin, Louisiana. Public notices were run advertising this hearing in The Advocate and the Leesville Daily Leader. There was one attendee representing the Kisatchie National Forest, Vernon Ranger District who was there in favor of the inclusion of this stream. We have received 4 written comments supporting the inclusion of Drake's Creek and none opposing it. Additionally, we consulted with the Louisiana State Land Office regarding state ownership of the waterbottoms of Drake's Creek. We have attached a copy of their findings here.

Based on the information we have gathered, we have determined that Drake's Creek does possess natural and scenic qualities that are of value to the citizens of Louisiana and that it meets the minimum qualifying criteria enumerated in the Scenic Rivers Act. We further conclude that, if the natural and scenic qualities of this stream are to be protected, preserved, and enhanced, the inclusion of Drake's Creek in the Louisiana Natural and Scenic Rivers System would be an appropriate step in attaining that goal.

Senator Malone  
Page 2  
April 18, 2007

We will look forward to working to protect, and continuing to study, Drake's Creek should the legislature choose to designate it as Louisiana Natural and Scenic River. I thank you for the opportunity to participate in this process.

Sincerely,



Bryant O. Hammett  
Secretary

DKC

Attachments

cc Senator Joe McPherson  
Senator James David Cain  
Representative Herman Ray Hill

**APPENDIX E**

Senate Bill No. 48 (2008) - Designates Drake's Creek

SLS 08RS-170

ORIGINAL

Regular Session, 2008

SENATE BILL NO. 48

BY SENATOR MCPHERSON

**WATER/WATERWAYS.** Includes certain waters within state natural and scenic rivers system. (gov sig)

1

AN ACT

2

To enact R.S. 56:1847(63), relative to state natural and scenic rivers; to include certain waters within the state natural and scenic rivers system; and to provide for related matters.

3

4

Be it enacted by the Legislature of Louisiana:

5

Section 1. R.S. 56:1847(63) is hereby enacted to read as follows:

6

§1847. Natural and scenic rivers

7

The following rivers or designated segments thereof are hereby designated

8

as being natural and scenic rivers:

9

\* \* \*

10

(63) Drake's Creek - Vernon - from Lookout Road to its confluence with

11

Oniska Chitto Creek located within Vernon Parish.

12

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

13

14

15

16

17

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

---

DIGEST

Proposed law adds Drake's Creek from Lookout Road to its confluence with Ouiska Chitto Creek located within Vernon Parish into the state natural and scenic rivers system.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 56:1847(63))

**APPENDIX F**

State of Louisiana, Office of State Lands – Water bottom Ownership Determination



Kathleen Mabinoux Blanco  
GOVERNOR

State of Louisiana  
DIVISION OF ADMINISTRATION

STATE LAND OFFICE

March 19, 2007

Jerry Luke LeBlanc  
COMMISSIONER OF ADMINISTRATION

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

Re: Drakes Creek located within  
T1&2S-R7&8W  
Vernon Parish, Louisiana  
(SLO File No. 1778.7)

Dear Mr. Cascio:

In accordance with your request of March 15, 2007, I have made a cursory review of State Land Office records to determine the state's claim to Drakes Creek 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.

Within your area of interest, the state does not claim the bed and water bottom of Drakes Creek as a historically navigable waterway. Drakes Creek, as shown on the U.S. Government township plats, does not meet our office width criteria to be considered a state claimed 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..."

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

Co: Mr. Charles R. St. Romain  
Ms. Marjorie McKitchen

## APPENDIX G

### Scenic Rivers Program Contact Information

#### **LDWF Scenic Rivers Program Electronic Contact Form:**

<http://www.wlf.louisiana.gov/webform/scenic-river>

#### **LDWF Scenic Rivers Staff Contact Information:**

Matthew Weigel, Biologist Program Manager

(985) 543-4777 or [mweigel@wlf.la.gov](mailto:mweigel@wlf.la.gov)

Chris Davis, Scenic Rivers Coordinator

(225) 765-2642 or [rcdavis@wlf.la.gov](mailto:rcdavis@wlf.la.gov)

Joe Maryman, Biologist Supervisor

(225) 765-2380 or [jmaryman@wlf.la.gov](mailto:jmaryman@wlf.la.gov)

Zachary Chain, Biologist DCL A

(225) 763-3587 or [zchain@wlf.la.gov](mailto:zchain@wlf.la.gov)

#### **LDWF Scenic Rivers Webpage:**

<http://www.wlf.louisiana.gov/scenic-rivers>