



JOHN BEL EDWARDS
GOVERNOR

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

THOMAS F. HARRIS
SECRETARY

RICHARD P. IEYOUB
COMMISSIONER OF CONSERVATION

July 17, 2017

Tyler McCloud
Natural Resources and Environment Committee
Louisiana House of Representatives
State Capitol, P.O. Box 94062
Baton Rouge, LA 70804

Re: Clarification of Reporting Requirements under Act 425 of 2017 (Capital Area Commission)

Dear Mr. McCloud,

As you are aware, Representative Denise Marcelle's HB 689 (Regular Session, 2017) concerning reporting requirements and parliamentary procedures for groundwater commissions was recently signed into law by Governor Edwards as Act 425 of 2017. In anticipation of this development, I communicated by letter (attached) on June 9 to the chairman of the Capital Area Ground Water Conservation Commission my agency's plans for providing guidance on such reporting as may be required by Act 425, particularly the "written report detailing the district's ground water resources and the activities and actions taken with respect to each of the district's powers delineated by laws creating the district," such authority "to ensure submission of the semiannual reports" likewise having been delegated to the Commissioner of Conservation by Act 425.

In that letter of June 9, I identified consultation with legislative staff to clarify our interpretation of the law as the Office of Conservation's first step preparatory to drafting and promulgation of a guidance document form and reporting checklist, again per direction of Act 425 ("The commissioner shall promulgate a form with a checklist of the pertinent information required to be included in the semi-annual report"). In this vein, I am asking for either clarification or concurrence on the below listed items regarding my authority as Commissioner of Conservation with regards to implementation of Act 425 and my agency's suggested reporting requirements for the Capital Area Ground Water Conservation District, with respect to its powers as delineated by law.

1. The Commissioner of Conservation has the authority to ensure submission of the semi-annual reports as required by Act 425.
2. The Commissioner of Conservation has the authority to require monthly submissions of these reports if the reports are not submitted in a timely manner as established by Act 425 (May 1 and November 1 of each year) or do not include the pertinent information required by law, until such time as the Commissioner of Conservation is satisfied with the adequacy and informative nature of the reports.
3. The Commissioner of Conservation is required by Act 425 to promulgate a checklist of the information to be provided by the Capital Area Ground Water Conservation District in its semi-annual reports. The checklist shall include the items required in the reports by R.S. 30:3097.8(A), including the activities and actions taken on each of the district's powers as delineated by law, and any other information deemed pertinent by the Commissioner.

Environmental Division

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4. After evaluating the scope of the powers established for the Capital Area Ground Water Conservation District and its governing authority (La. R.S. 38:3071, et seq.), the following items are suggested for inclusion within this body's semi-annual reports:
 - a. Members and officers of the board of commissioners of the Capital Area Ground Water Conservation District (CAGWCD), including the bodies that such members represent, and changes in membership since the last report.
 - b. Copies of agendas, minutes or summaries, and submissions to the board of commissioners for any regular board meetings or for any public hearings heard by the board over the period covered by the report.
 - c. A summary of the terms and scopes of any active cooperative agreements or contracts entered into by the board of commissioners, such agreements or contracts being relative to the study or survey of the groundwater resources in the CAGWCD; recommendations for conservation of groundwater resources; and prevention or alleviation of damaging or potentially damaging drawdowns, land surface subsidence, and groundwater quality degradation including saltwater encroachment.
 - d. A narrative description and status update of actual or projected saltwater intrusion or encroachment within the CAGWCD.
 - e. A narrative description and status update of any actual or projected land surface subsidence caused by groundwater pumpage within the CAGWCD.
 - f. A summary of the current strategy or strategies adopted by the board of commissioners to mitigate or otherwise manage actual and projected saltwater intrusion or encroachment and/or land surface subsidence within the CAGWCD.
 - g. A narrative description detailing the operational status and effectiveness of any structures installed within the CAGWCD to mitigate or otherwise manage actual or projected saltwater intrusion or encroachment.
 - h. A narrative description summarizing current or recent studies or investigations funded in whole or in part by the board of commissioners or by any of its regulated users (and the status of such studies or investigations if reported previously), relative to groundwater resources in the CAGWCD; recommendations for conservation of groundwater resources; and prevention or alleviation of damaging or potentially damaging drawdowns, land surface subsidence, and groundwater quality degradation including saltwater encroachment.
 - i. The identification of existing and/or proposed aquifer production limits imposed on regulated users by the board of commissioners, showing groundwater production limits by aquifer and by regulated user.
 - j. A listing of existing regulated users within the Capital Area Ground Water Conservation District.
 - k. A listing of the total regulated pumpage of groundwater for the reporting period for each regulated user. This listing should show the classification (according to CAGWCD rules) by use of each regulated user's groundwater pumpage, by location of pumpage (parish) within the CAGWCD, and by aquifer used (or multiple aquifers, if this is the case).
 - l. The current charge or fee assessed on regulated groundwater use by the CAGWCC.

- m. The total groundwater use assessment or fee collected by the CAGWCC for the reporting period from each regulated user.
- n. A listing of new wells and/or or new regulated users registered within the CAGWCD during the reporting period, showing the classification of such wells and regulated groundwater use, and actual or projected volumes of groundwater pumpage from such new wells and/or users.
- o. Listing of registered wells plugged and abandoned by regulated users within the CAGWCD during the reporting period, showing the classification of such wells and former regulated groundwater usage.
- p. Out-of-state groundwater sales, showing volumes, location of pumpage (parish) within the CAGWCD, entity to which it was sold, and at what price. The Office of Conservation interprets the intent of this law to be limited to out-of-state groundwater sales for a primary purpose of being a source of water for beneficial use and not to include groundwater utilized within the CAGWCD or the State of Louisiana in the production of manufactured goods for commercial or industrial use such as beverages, solvents, gasoline, or other such processed items.
- q. Volumes of groundwater pumped from within the CAGWCD and transported out-of-district by any regulated user as part of a public supply or industrial distribution system, indicating the location of pumpage (parish) inside the CAGWCD and the end distribution point, by parish and volume.
- r. Volumes of groundwater used for residential, commercial or industrial, or agricultural purposes. The amount used for industrial or agricultural purposes may be estimated. Further refinement of these classifications to assist in collection can be made during the administrative process for promulgation of the required checklist from the Office of Conservation.

Thank you for your assistance in this matter. Please let me know if my staff can answer any questions.

Sincerely,


Richard P. Ieyoub
Commissioner of Conservation

Cc: Su King, McHenry Lee

Attachment

RPI/jmr



JOHN BEL EDWARDS
GOVERNOR

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

THOMAS F. HARRIS
SECRETARY

RICHARD P. IEYOUB
COMMISSIONER OF CONSERVATION

June 9, 2017

Barry Huggins, Chairman
Capital Area Ground Water Conservation Commission
3535 South Sherwood Forest Blvd., Suite 137
Baton Rouge, LA 70816-2255

Re: Office of Conservation Process for Meeting HB 689 Obligations

Dear Chairman Huggins:

As noted in my correspondence to you from May 18, 2017, I asked that my staff hold any response to your request for clarification as to reporting requirements under La. R.S. 38:3097.8 until such time as Representative Marcelle's HB 535 (substituted with HB 689) had resolved itself through the legislative process to prevent any direct or indirect unintentional influence on its outcome. Now that HB 689 has been passed through the Senate and House of Representatives, I want to provide an outline to you of the Office of Conservation's intended actions to meet the statutory obligations in this legislation, pending its approval by the Governor. In order to meet these obligations, the agency will:

1. Consult with legislative staff as appropriate to clarify our interpretation of the law in order to provide the best possible guidance to groundwater conservation districts.
2. Draft a guidance document form and reporting checklist.
3. Promulgate said form and checklist according to law.

I appreciate your patience as we work through due process to meet thoroughly these new obligations.

My staff is available to answer any questions.

Sincerely,

A handwritten signature in black ink that reads "Richard P. Ieyoub".

Richard P. Ieyoub
Commissioner of Conservation

Cc: Anthony Duplechin

RPI/jmr