

**LOUISIANA
WATER RESOURCES
COMMISSION**

***REPORT ON ACTIVITIES
AND UPDATE ON
MANAGEMENT
RECOMMENDATIONS***

JANUARY 2016

LAS ORMIGAS GRANT LOT NO 1



JOHN BEL EDWARDS
GOVERNOR

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

STEPHEN CHUSTZ
SECRETARY

JAMES H. WELSH
COMMISSIONER OF CONSERVATION

January 21, 2016

Dear Governor Edwards, Members of the Legislature, and All Interested Parties:

On behalf of the Louisiana Water Resources Commission, for which my agency serves in an administrative capacity, please find enclosed the annual report on Commission activities and an update on prior management recommendations. This document was completed as part of my staff's obligations to support the Commission and its mandate from the Legislature in continuing the development of a statewide groundwater resource management program and evaluating the state's surface water resources.

Very truly yours,


James H. Welsh
Commissioner of Conservation

EXECUTIVE SUMMARY

To further its mission as delegated by the Legislature to promote “the effective management and planning in the utilization of the state's water resources,” the Louisiana Water Resources Commission is respectfully submitting this update on its recent actions, activities, and management recommendations. To provide some brief background, our predecessor, the Ground Water Resources Commission, was created in 2001 and provided with specific review, information-gathering, support, and adjudicatory responsibilities for groundwater resources. In 2012, the Legislature expanded the group’s membership and scope to more fully integrate surface water resource management into the Commission’s purview.

At that time as well, the Commission published “Managing Louisiana’s Ground Water Resources,” a crucial document that reviewed the most important water management issues around the state and set an ambitious slate of recommendations for consideration and implementation by state agencies and the Legislature. Previous reports have detailed the status of these recommendations; a recapitulation also is provided as an appendix in this document. The report presented here, however, focuses primarily on two programs entwined with this prior work: funding for the statewide water resources monitoring network and progress towards completion of the Water Resources Assessment for Sustainability and Energy Management project.

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RESOLUTION ON FUNDING THE STATE WATER RESOURCES

MONITORING NETWORK

At its October 1, 2015, regular meeting, the Louisiana Water Resources Commission adopted by unanimous vote a resolution

“urging and requesting the Governor and Legislature of the State of Louisiana to develop or appropriate dedicated, recurring funds from whatever sources available for the long-term maintenance of a robust water resource monitoring network and associated planning that will provide the scientific basis necessary for the successful management of Louisiana’s water resources into the future.”

The development of an expanded monitoring network was the **top management priority** for the state identified by the Commission in the 2012 document “Managing Louisiana’s Ground Water Resources.” To meet this need, the Department of Natural Resources secured temporary, multi-year funding through the Federal Petroleum Violation Escrow account for the creation of an expanded network. **That funding stream will be exhausted, however, at the end of FY2016**, leaving a substantial gap in our knowledge of the health of our water resources. The importance of the monitoring network to state efforts to manage these resources is explained in the body of the resolution, included in full as Appendix A.

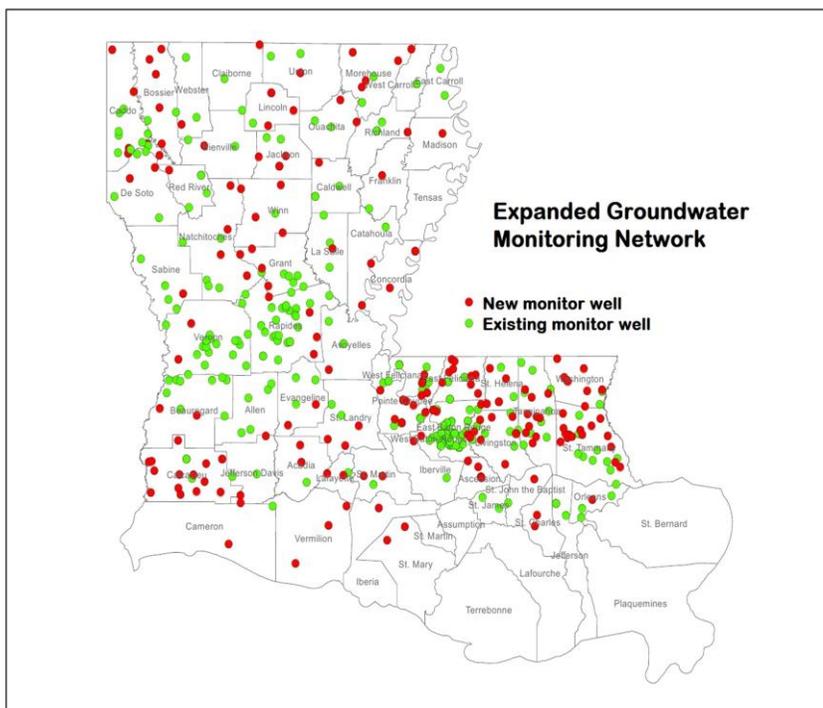


Fig. 1, Louisiana’s Expanded Groundwater Monitoring Network, 2015. Source: U.S. Geological Survey. Green dots represent pre-2012 network wells; red dots are new monitor wells. At one time in the 1980s, the state had a network of more than 700 wells, but this had fallen by 2012 to only 164, a 78% decrease. The new program added approximately 200 new wells to the network. *After the expenditure of remaining funds in FY2016, and without another funding stream, monitoring of the new expanded network wells will be closed down, removing a crucial source of scientific data from the state’s water resources planning process.*

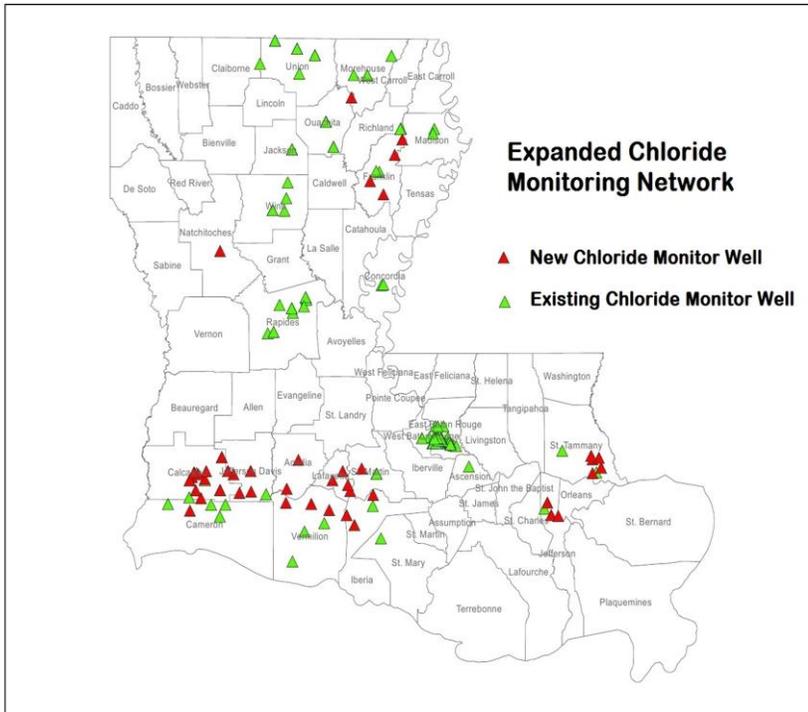


Fig. 2, Louisiana’s Expanded Chloride Monitoring Network, 2015. Source: U.S. Geological Survey. Green triangles represent pre-2012 network wells; red triangles are new chloride monitor wells. The chloride network, along with a substantial water quality network and an additional set of surface water gauging stations maintained by the Louisiana Geological Survey, are a part of the overall monitoring program. *These expanded networks likewise will close down after the expenditure of remaining funds in FY2016 without the development of another funding stream.*

**COST OF FUNDING
THE STATE WATER RESOURCES MONITORING NETWORK
(ANNUAL BASIS/SCALABLE)**

Maintaining all water-level and chloride-level wells	\$320,000
Maintaining additional water-quality wells	\$120,000
Annual water use reporting for planning purposes	\$250,000
Updating potentiometric maps of Louisiana’s aquifers	\$250,000

Total: \$940,000

WATER RESOURCES ASSESSMENT PROJECT

In late 2014, the Department of Natural Resources and the Coastal Protection and Restoration Authority, with the concurrence of the Water Resources Commission, reached an agreement to jointly fund a statewide water resources assessment project for sustainability and energy management as a further improvement to Louisiana's emerging water planning process. The non-profit Water Institute of the Gulf is conducting the research and developing a framework for evaluating regional demand and supply in the state, first applying the pilot framework to three especially critical areas of the state to demonstrate its use and effectiveness.

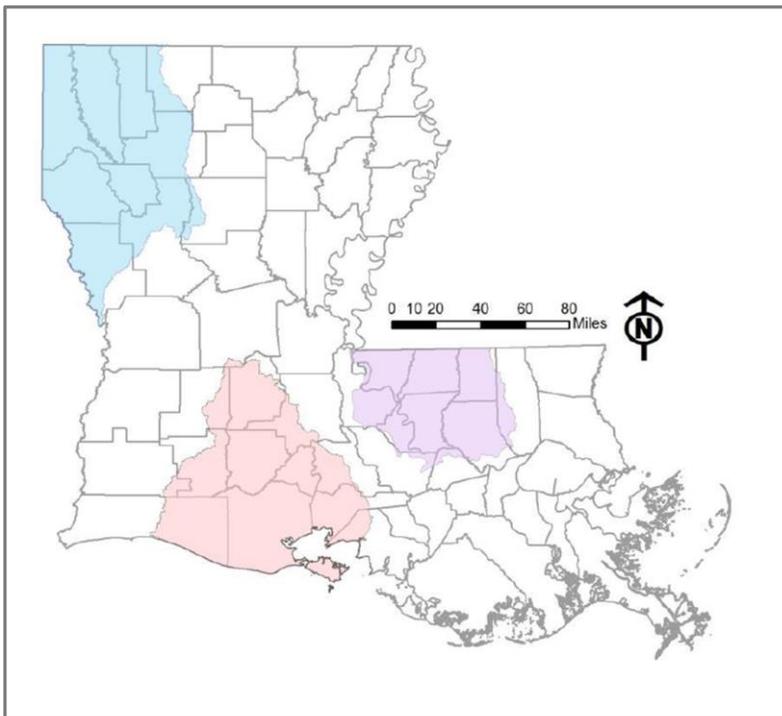


Fig. 3, Areas of Louisiana selected for application of sustainability and energy management framework. Source: The Water Institute of the Gulf. The southwest study area includes the eastern part of the Chicot Aquifer and surface water basins like the Bayou Teche and Vermilion and Mermentau rivers. The northwest study area includes the Carrizo-Wilcox Aquifer and surface water basins like the Sabine and Red rivers, Bayou Pierre, Bodcau Bayou, and others. The southeast study area includes the western part of the Southern Hills Aquifer System and surface water basins like the Amite, Tickfaw, and lower Mississippi rivers.

The purpose of this effort has been to provide an appraisal of current and expected future water supply and use and to develop a planning instrument (or framework) that can be utilized to inform short- and long-term management decisions and minimize the potential impact of future growth on overall water supply costs. The end goal of all state planning should be to ensure a clean and sustainable supply of fresh water for Louisiana's people, farms, and businesses, while also conserving energy and containing the energy costs associated with drawing on and delivering this water supply.

The Water Institute conducted an extensive evaluation of existing state-level water management and water budget frameworks before embarking on the creation of a unique framework for evaluating water demand and supply here in Louisiana. Importantly, the study links surface water and groundwater resources into a comprehensible whole, rather than treating them as separate elements. The availability and delivery cost of these water resources is weighed against both current use and projected demand based on population and economic forecasts.

Advising the Water Institute in its work has been a Technical Coordination Team composed of leading water scientists from around the state. Members of the Water Resources Commission have been briefed on the project and its progress, first at the December 2014 regular meeting, at a scheduled update program in April 2015, and again at the August 2015 regular meeting. The assessment remains on-schedule for completion in 2016. **It is expected that this work will guide the Commission in future studies and evaluations of the relative health and sustainability of the state’s water resources and that, through these means, the usefulness of this tool can be demonstrated to the extent that additional funds can be secured to complete a statewide assessment to aid in future planning efforts.**

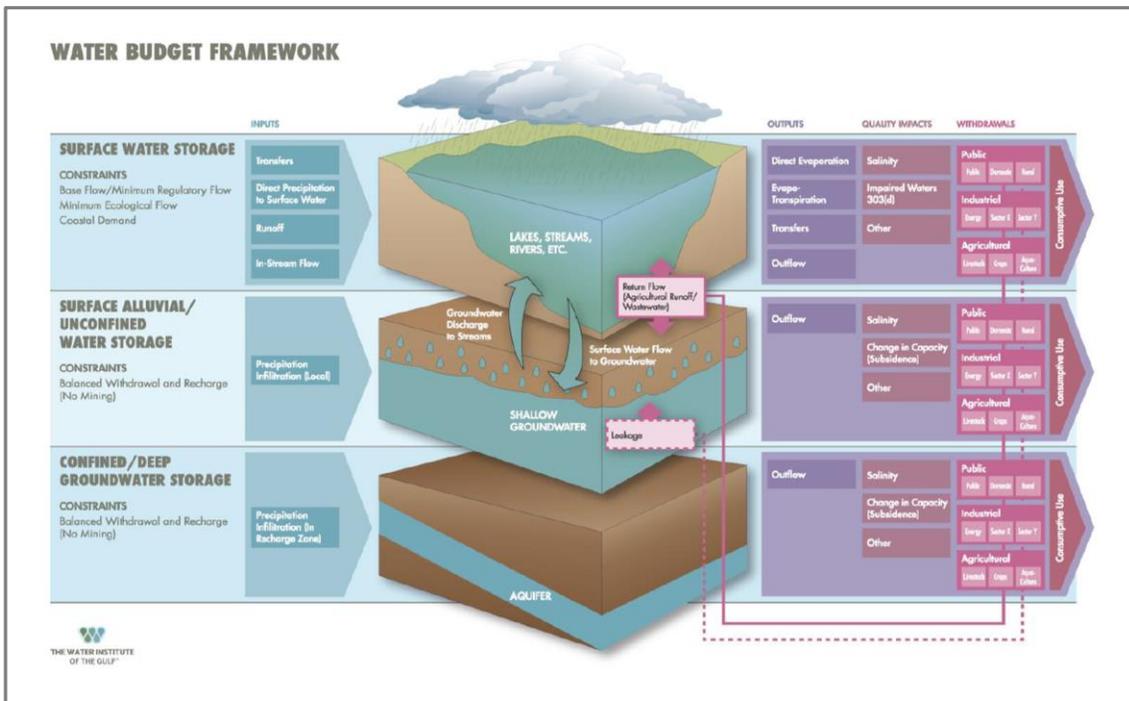


Fig. 4, Sample Water Budget Framework. Source: The Water Institute of the Gulf. This chart simplifies the large quantities of data that will go into an assessment of water supply and demand, both current and projected.

CONCLUSION

The past year has been a productive one for water resources management here in Louisiana but challenges to our ability to effectively manage these resources lie directly ahead. The Water Resources Commission, by unanimous resolution, has called for the Governor and Legislature to make a commitment to **keeping the expanded water resources monitoring network intact** so that the state can more efficiently plan for future growth and tailor applicable policies based on accurate, up-to-date scientific information. In the past, Louisiana has shown the fortitude to make big investments in the necessary infrastructure to conserve our water resources for the future while yet keeping them available to meet the needs of a growing population and diverse economy. One thinks particularly in this regard of the Sabine River Diversion Canal in the Lake Charles area that greatly reduced the use of local groundwater resources while supplementing these with excess surface water. Big projects such as this require data and careful preparation. As our meetings, debates, and studies have shown, over the past several years the general understanding of the value of water has increased tremendously among state, regional, and national policymakers. It is now clear to us that Louisiana must protect its future by planning for its water resources today. That means that at this crucial time **Louisiana must invest** in the necessary data collection and research to establish what supplies are currently available, what type of demand they can accommodate at the present, what type of demand they can accommodate in the future, what critical management issues we know of today, and which ones we must anticipate for tomorrow.

APPENDIX A
MONITORING NETWORK FUNDING RESOLUTION

OCTOBER 1, 2015

On motion of Mark Davis and second by Jerry Graves, with unanimous approval,

A RESOLUTION

of the Louisiana Water Resources Commission

WHEREAS, Louisiana’s ground and surface water resources are a public benefit of incalculable value for the people, environment, and economy of the State; and

WHEREAS, the proper management of these resources is a critical responsibility of the State and its departments under the Constitution, which explicitly requires that, “The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people”; and

WHEREAS, such proper management of Louisiana’s water resources requires scientific data acquired through the monitoring of water levels, flows, use, quality, and quantity; and

WHEREAS, the State’s monitoring program for water resources deteriorated from a peak of 739 groundwater monitor wells and 184 surface water gaging stations in the early 1980s to a low of 164 wells and 59 gaging stations in 2012, a 78 percent and 68 percent reduction respectively; and

WHEREAS, in its March 2012 report to the Legislature entitled *Managing Louisiana’s Groundwater Resources*, this Commission identified the State’s “single most significant and fundamental groundwater resource management issue” as the “timely and periodic acquisition

and dissemination of comprehensive aquifer-wide groundwater level measurements, water well production and groundwater quality data”; and

WHEREAS, in the same report, the Commission firmly articulated its finding that improvements to this monitoring program “must be adequately addressed in order for the state to develop and implement any successful groundwater management strategy”; and

WHEREAS, the Department of Natural Resources, in response to the urgings of the Commission, secured in 2012 \$2.7 million in Federal funds for the development of an expanded monitoring network program for three years that included the addition of approximately 200 water level observation wells, 100 water quality observation wells, and 50 chloride monitor wells to the existing network, along with expanded water use reporting on an annual basis and new and updated surface water monitoring; and

WHEREAS, the monitoring network program’s funding expired at the end of June 2015 but the Department of Natural Resources successfully secured an extension of Federal dollars through June 2016 as a temporary measure to maintain continuity in the most fundamental aspects of the monitoring network improvements implemented over the past three years; and

WHEREAS, the Federal agency has communicated to the Department of Natural Resources that these funds will not be available for use by the State to maintain the monitoring program after June 2016; and

WHEREAS, because of the data gathered to date by the monitoring network program, and following the Commission’s finding in its March 2012 report to the Legislature regarding the “need for the state’s current water management efforts to evolve into a more robust, comprehensive plan,” the Department of Natural Resources has been able to proceed with a prototype water use sustainability assessment and planning framework through the Water Institute of the Gulf that will provide additional insight into, and a strategy to address, Louisiana’s current and future water resource management issues; and

WHEREAS, the final Water Institute report is scheduled to be available in spring 2016, and will provide a blueprint for future planning to manage the state's water resources for long-term sustainability; and

WHEREAS, the continued and successful future use of the Water Institute planning framework, as well as other water resource planning and management tools, is dependent upon a continuous, adequately maintained water resource monitoring program; and

WHEREAS, the Louisiana Water Resources Commission is authorized by La. R.S. 38:3097.4.D.(3) and (4), in pertinent part, to "Continue the development, in cooperation with the commissioner [of Conservation], of a statewide ground water resource management program that shall include but not be limited to evaluation of the state's ground water resources including current and projected demands..." and to "Evaluate the state's surface water resources including current and projected demands"

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Water Resources Commission does hereby urge and request the Governor and Legislature of the State of Louisiana to develop or appropriate dedicated, recurring funds from whatever sources available for the long-term maintenance of a robust water resource monitoring network and associated planning that will provide the firm scientific basis necessary for the successful management of Louisiana's water resources into the future.

APPENDIX B

MEETINGS OF THE WATER RESOURCES COMMISSION, 2015

The Water Resources Commission met twice in regular session on August 17 and October 1. The transcripts of these meetings are available at the “Events, Meetings, and Workshops” page on the Office of Conservation’s Ground Water Resources Program website at <http://dnr.la.gov/groundwater>. In addition, a large contingent of members attended a program held April 9 to review progress towards the completion of a statewide water resources assessment for sustainability and energy management (discussed previously in this document). Topics of discussion included:

1. Recent efforts of the Louisiana State Law Institute, at the direction of several legislative resolutions, to put together a Water Code Committee for the purpose of developing a comprehensive state water code. In a period of intense litigation in the American South and West over water rights and usage, the Legislature acknowledged the importance of resolving inherent tensions within Louisiana’s current water law with the goal of creating a defensible legal framework for the future.
2. Implementation of a feasibility study that would evaluate options for water supply improvements in the Boeuf-Tensas basin of southeast Arkansas/northeast Louisiana, with an end goal of bringing additional surface water into the region help meet the demands of local farmers.
3. The request by the Arkansas Natural Resources Commission (ANRC) for comment from the State of Louisiana on the application of a private company for a permit to withdraw water from the Mississippi River (via an Arkansas access point) for eventual transmission to Texas. The official state response is available under the “New Releases & Announcements” heading on the Office of Conservation’s Ground Water Resources Program website at <http://dnr.la.gov/groundwater>.

4. The distribution of compensatory monies awarded to Louisiana in the aftermath of the 2010 *Deepwater Horizon* oil spill in the Gulf of Mexico.
5. Comprehensive efforts by the Department of Health and Hospitals/Office of Public Health to monitor and respond to the *Naegleria fowleri* (“brain-eating amoeba”) threat in public water systems.
6. Continued groundwater management oversight efforts by the Office of Conservation, including assessments of the groundwater emergency in south Caddo Parish, Areas of Concern in the Sparta Aquifer region of north Louisiana, and management of saltwater encroachment in Baton Rouge area aquifers by the Capital Area Ground Water Conservation Commission.

APPENDIX C

STATUS OF 2012 MANAGEMENT RECOMMENDATIONS

The Water Resources Commission included a set of management recommendations for consideration and implementation by state agencies and the Legislature as part of its 2012 document “Managing Louisiana’s Ground Water Resources.” Of the 34 individual recommendations proposed in the areas of monitoring, auditing, education, registration, evaluation, incentives, enforcement, emergencies, collaboration, and governance, 26 (or 76%) have been addressed completely or in part, as current data, processes, governing authorities, budgets, and personnel have allowed.

Substantial work has been accomplished in the updating of the state’s water resources monitoring network and improvements to its auditing, registration, evaluation, enforcement, and emergency response functions, areas crucial to overall success in the management of our water resources, especially groundwater. Key pieces of the collaboration and governance agendas likewise already have been realized or will be met with the conclusion of the statewide Water Resources Assessment for Sustainability and Energy Management and other studies. It is important to note that while some of these recommendations had very concrete solutions, others lacked a clear path to achievement, with much groundwork to be laid. Notwithstanding the need for long-term funding dedicated to the maintenance of the state water resources monitoring network (as discussed previously in this document), several recommendations still require critical attention.

1. MONITORING

1a. Appropriate funding for the establishment of a statewide aquifer monitoring network; 1b. Appropriate funding for the establishment of a surface water availability gauging network in areas where surface water alternatives may be necessary for groundwater sustainability See discussion on pages 2 and 3 of this document. Current data is available on-line at the below locations:

Water level data from the DNR/USGS groundwater monitoring network:

<http://groundwaterwatch.usgs.gov/LNR/StateMaps/LNR.html>

Water level data collected by USGS from other monitor networks:

<http://nwis.waterdata.usgs.gov/la/nwis/gwlevels>

Chloride and other water-quality data:

<http://nwis.waterdata.usgs.gov/la/nwis/qwdata>

2012 state water use data by parish, type, aquifer, and surface water basin:

<http://la.water.usgs.gov/WaterUse/default.asp>.

1c. Establish groundwater production reporting requirements for non-domestic well owners in areas where groundwater sustainability is not improving The framework for determining the necessity and nature of such requirements is in place and, where deemed appropriate, such as in the Sparta Aquifer Areas of Concern in north Louisiana, such reporting mandates have been established. Additional action may result from the findings of the water resources assessment project currently underway (discussed previously in this document on pages 4 and 5).

1d. Develop and implement an aquifer sustainability grading and prioritization ranking system The water resources assessment project is expected to yield an easy-to-comprehend grading and prioritization ranking system for sustainability based upon

current and projected available water supply, water use, and population and economic growth.

2. AUDITING

2a. Continue to improve implementation of statewide water well notification compliance audit procedures; 2b. Focus resources on consolidating water well registration and notification database information New notification regulations have been approved and compliance audit procedures have been revised to meet Recommendation 2a. Compliance orders have been, and continue to be, issued to secure 100% adherence. For Recommendation 2b., Office of Conservation staff are continuing to digitize thousands of water well records, in addition to other efforts to work towards a consolidation of the Department of Transportation and Development (DOTD) and Office of Conservation water well databases.

3. EDUCATION

3a. Seek to establish a mandatory statewide groundwater and surface water education curriculum at elementary and high grade levels; 3b. Seek partnerships and improvements to web-based education and outreach efforts While many opportunities exist for teachers to engage in water-focused science education, there is no single statewide curriculum in place that addresses the **management of water resources** as the clear focus. Current state standards mandate some attention to the water cycle and other facets of water as a part of the physical world, and many teachers take advantage of existing curricula that focus on coastal issues or swamps and marshes as ecosystems, to give a few examples. But there is no ***statewide*** curriculum that places the management of water resources (with a distinct Louisiana focus) within the context of environmental decision-making and makes use of the vast amount of scientific data (maps, graphs, charts, and reports) that can be deployed as teaching tools in the classroom. The Office of Conservation's "Water-Wise in BR" campaign has developed a prototype curriculum for East Baton Rouge Parish that could be expanded to reach into other parts of the state but utilization of this curriculum would still only be on a teacher-

by-teacher basis because of the lack of a statewide mandate. The agency continues to pursue opportunities to expand these educational efforts.

3c. Request local governments, where groundwater resources are in demand for public supply, to establish groundwater and surface water education and outreach measures The Office of Conservation has offered to assist any and all local governments in the development of water resource education and outreach programs.

3d. Pursue partnerships with parishes to establish a single-point-of-contact for water resources education and conservation efforts at the local level The agency provides periodic updates on ground and surface water management issues to parish-level contacts and continues to pursue opportunities for further outreach through this network.

4. REGISTRATION

4a. Revise water well installation notification and evaluation regulations New well notification and evaluation regulations have been promulgated and implemented.

4b. Focus resources to implement the integration of the water well driller and well owner database management systems, improve SONRIS and GIS output capacities, and streamline on-line document evaluation and response A lack of funding and dedicated IT staff continues to limit work towards a consolidation of the DOTD and Office of Conservation water well databases, although Office of Conservation staff continue to upgrade digital access to documents and review rigorously evaluation and response times.

4c. Pursue innovative ideas to encourage owner registration of currently exempt un-registered water wells The Office of Conservation is pursuing several outreach opportunities to educate realtors and home inspectors about the importance of home owners registering, and transferring the ownership of, water wells.

5. EVALUATION

5a. Update water well notification evaluation procedure to document water level drawdown assessments Revised procedures are in effect.

5b. Investigate revising the water well notification form (GWR-01) to include disclosure of efforts to use surface water alternatives in areas where groundwater sustainability is challenged Revised procedures are in effect.

5c. Focus resources to improve and increase use of groundwater level and quality data through DNR SONRIS and GIS systems See Recommendations 2b. and 4b. above.

6. INCENTIVES

6a. Investigate feasible and effective ways to provide conservation incentives The agency has evaluated various conservation incentives. Additional action may result from the findings of the water resources assessment project currently underway. Such information may be useful in guiding the development of future conservation incentive programs based on local conditions.

6b. **For Legislative Action** Evaluate capital outlay policies and procedures to promote alternative water source use in areas where sustainability is challenged; 6d. **For Legislative Action** Evaluate linking tax credit and abatement policy to water conservation and alternative source use; 6e. **For Legislative Action** Evaluate fiscal policy to reward high volume groundwater users to switch to surface water The Office of Conservation is not aware of any action towards accomplishment of these recommendations other than as suggested in previous studies. Additional action may result from the findings of the water resources assessment project currently underway. Such information may be useful in guiding the development of such policies based upon local conditions and circumstances. Each of these particular issues requires a careful understanding of current and future water supply availability and use. There is no one-size fits all solution to water management; in some areas, there may be no need for

promotion of conservation (although always a good idea) or alternative source use. In others, tax and abatement policies and other such incentives or disincentives (all prerogatives of the Legislature) might prove useful in managing local water resources. Large amounts of scientific and economic data not currently available must be on hand to inform such big-picture decision-making. The Water Resources Commission has made water resource planning an important part of its discussions and activities in recent years for this very reason, to help provide an understanding of water supply and demand in the State to help shape these deliberations.

6c. Evaluate local governments' requirements for participation in the Community

Water Enrichment Fund program The agency has evaluated these requirements and has no changes to recommend at this time.

7. ENFORCEMENT

Investigate implementation of progressive enforcement techniques to aid in beneficial projects such as conservation education assistance The Office of Conservation has evaluated such opportunities but has no changes to recommend at this time.

8. EMERGENCIES (RESPONSE COORDINATION)

Investigate coverage of groundwater emergencies by GOHSEP and amend agency Emergency Response Contingency Plan as necessary The Office of Conservation completed an evaluation amended the emergency response contingency plan accordingly.

9. COLLABORATION

9a. Implement an annual, multi-agency stakeholders' conference The Office of Conservation hosted a Water Resources Commission workshop in October 2013 but funding issues currently limit more extensive conference opportunities.

COMPLETED

9b. Require water conservation districts to file annual reports This recommendation was implemented by legislative action (Act 790 of 2012). The Office of Conservation annually offers to assist the districts subject to this legislation in the transmission of their reports to the appropriate oversight bodies, including the Water Resources Commission.

IN PROGRESS

9c. Engage legal scholars to research and explore the non-compensated consumption of surface water when used as an alternative to groundwater; 9d. Engage experts to research and explore the consequences of out-of-state sales of water resources

For Recommendations 9c. and 9d., SCR 53 of 2012 requested that the Louisiana State Law Institute “study legal issues surrounding groundwater and surface water law and any needs for revisions to current law.” The Institute completed this report in early 2014 and submitted it to the Legislature for review. SR 171 of 2014 subsequently requested that the Institute create a Water Code Committee to study the different facets of water law in Louisiana and make recommendations for providing revisions to present law. This work is underway.

10. GOVERNANCE

10a. Draft and implement regulations for the establishment of a statewide regional network of advisory panels It is expected that the findings, conclusions, and recommendations of the water resources assessment project currently underway may be useful in guiding further consideration of this recommendation.

10b. For Legislative Action Affirm authority of local governments to protect public supply wells The Office of Conservation is not aware of any action towards accomplishment of this recommendation.

10c. Explore drafting new regulations for E&P waste fluids recovery, recycling, and re-use This recommendation has been implemented by the Office of Conservation.

10d. Engage legal scholars to research and explore non-compensated consumption of surface water; 10e. Engage experts to research and explore the consequences of out-of-state sales of water resources See explanation for Recommendations 9c. and 9d. above.

10f. For Legislative Action Extend the sunset of Act 955 of 2010 Act 261 of 2012 extended the provisions of Act 955(Surface Water Management Act) through 2014. Act 285 of 2014 extended these provisions through 2016.

10g. Add surface water responsibilities to the Ground Water Resources Commission This recommendation was implemented by legislative action, leading to the addition of new members and responsibilities to the Commission.

10h. Investigate developing new or improving upon existing aquifer recharge area protective measures It is expected that the findings, conclusions, and recommendations of the water resources assessment project currently underway may be useful in guiding further consideration of this recommendation.

APPENDIX D

RELEVANT LEGISLATION FOR THE WATER RESOURCES COMMISSION

CHAPTER 13-A-1. WATER RESOURCES MANAGEMENT

§3097.1. Legislative findings; purpose; effect

A. As the effective management and planning in the utilization of the state's water resources is hereby found and declared to be a matter of public interest, the state must have a comprehensive ground water management program. Said program must take into consideration the requirements, needs, and obligations of all stakeholders of water in the state of Louisiana. The program shall be based on good management practices, sound science, and economics according to generally accepted principles in those disciplines. It must include as a goal the long-term sustainability of the state's ground water aquifers and preservation of the state's ecological welfare, while considering the economic value thereof to the state's role in interstate commerce and the economic welfare of its citizens. Further, it must provide for the efficient administration in the utilization and management of ground water resources, including the gathering of data related to the state's water resources. Thus, the state's water resources must be protected, conserved, managed, and replenished in an effective manner, with due regard for the foregoing considerations and in the best interest of all the citizens of the state.

B. The legislature hereby recognizes the need for uniformity in the establishment of a comprehensive ground water management program. Therefore, the state shall have exclusive jurisdiction over the management of ground water and this Chapter shall supersede and preempt any rule, regulation, code, statute, or ordinance of any political subdivision or other unit of local government. However, nothing contained in this Chapter shall be construed to deny such local government the authority over siting facilities pursuant to any general land use planning or zoning or to deny soil and water conservation districts powers granted pursuant to R.S. 3:1208.

C. In accordance with the legislative intent provided herein, the statewide ground water resource management program and any rule, regulation, or order of the commissioner shall recognize historic use of ground water resources in the state and may incorporate the use of appropriate incentives to encourage conservation of ground water resources and the appropriate utilization of alternate water supplies where appropriate. Consistent with the provisions of this Chapter and in consultation with the commissioner, the incentives and provisions of alternate water resources may be provided by the state, or any local subdivision thereof, by virtue of tax incentives, tax credits, and physical projects transporting or providing alternate water resources to existing ground water users and by any private person with an interest in conserving such ground water resources for public use.

Acts 2003, No. 49, §2, eff. July 1, 2003; Acts 2012, No. 471, §2.

§3097.4. Water Resources Commission; membership; powers and responsibilities

A. The Water Resources Commission is hereby created and shall be composed of the following members:

- (1) The governor or his designee.
- (2) The commissioner of conservation or his designee.
- (3) The commissioner of agriculture and forestry or his designee.
- (4) The secretary of the Department of Economic Development or his designee.
- (5) The secretary of the Department of Environmental Quality or his designee.
- (6) The secretary of the Department of Health and Hospitals or his designee.
- (7) The secretary of the Department of Wildlife and Fisheries or his designee.
- (8) The secretary of the Department of Transportation and Development or his designee.
- (9) The executive director of the Coastal Protection and Restoration Authority Board or his designee.
- (10) The executive director of the Sabine River Authority or his designee.
- (11) The executive director of the Louisiana Public Service Commission or his designee.

- (12) One member appointed by the governor, who is a geologist or an engineer with expertise in ground water resource management.
- (13) One member appointed by the governor from a list of four nominations submitted jointly by the Louisiana Chemical Association, the Louisiana Mid-Continent Oil & Gas Association, the Louisiana Association of Business and Industry, and the Louisiana Pulp & Paper Association.
- (14) One member appointed by the governor from a list of three names nominated by the Louisiana Farm Bureau.
- (15) One member appointed by the governor from a list of three nominations submitted by the Police Jury Association of Louisiana.
- (16) One member appointed by the governor from a list of three nominations submitted by the Louisiana Municipal Association.
- (17) One member appointed by the governor from a list of three nominations submitted by the Sparta Groundwater Conservation District Board of Commissioners.
- (18) One member appointed by the governor from a list of three nominations submitted by the board of commissioners of the Capital Area Groundwater Conservation District.
- (19) One member appointed by the governor who resides or works in the geographical area of the state underlain by the Chicot aquifer.
- (20) One member appointed by the governor from a list of three nominations submitted by the Louisiana Landowners Association.
- (21) One member appointed by the governor from a list of three names submitted by the Louisiana Wildlife Federation, Coalition to Restore Coastal Louisiana, and the League of Women Voters.
- (22) One member appointed by the governor from a list of three nominations submitted by the Ports Association of Louisiana.
- (23) One member appointed by the governor from a list of three nominations submitted by the Louisiana River Pilots' Association.
- (24) One member, who is a lawyer licensed to practice in Louisiana with not less than five consecutive years in the practice of law in Louisiana and who has legal expertise in water law, appointed by the governor from a list of four names submitted by the

chancellor of the Louisiana State University Law Center, the dean of the Loyola University New Orleans College of Law, the chancellor of the Southern University Law Center, and the dean of the Tulane University Law School.

(25) Two members, one appointed by the chairman of the House Natural Resources and Environment Committee, and one appointed by the chairman of the Senate Natural Resources Committee who does not represent commercial, industrial or agricultural interests but who represents residential consumers.

(26)(a) The chairman of the House Committee on Natural Resources and Environment, or his designee, shall serve as an ex-officio non-voting member.

(b) The chairman of the Senate Committee on Natural Resources, or his designee, shall serve as an ex-officio non-voting member.

(c) The chairmen shall not be counted as part of the total membership of the commission for purposes of determining the number of members necessary to constitute a quorum but, if present, they shall be counted as members for purposes of establishing a quorum for the particular meeting.

B. The appointed members of the commission shall serve four-year terms except for the initial term, in which the governor shall designate the terms of office so that three members shall serve a one-year term, three members shall serve a two-year term, and four members shall serve a three-year term. No appointed member shall serve more than two consecutive terms. In case of a vacancy, the governor shall appoint a replacement to fill the unexpired term. Appointed members shall not be compensated for their services, except the commissioner may promulgate rules and regulations to provide for travel expenses. Appointed members shall be considered as such, and not elected, for the purposes of R.S. 42:1102 et seq.

C. The governor or his designee shall serve as chairman of the commission. The commission shall meet at least twice per calendar year, but may meet more often as necessary.

D. The commission shall have the authority to do the following:

(1) Review and approve or reject any orders of the commissioner placing restrictions on wells upon petition by the owner of the affected well or proposed well or any owner of a well in the same aquifer which may be adversely impacted by the well in question. In reviewing such decisions the commissioner shall not serve as a voting member of the commission. The order of the commissioner shall be rejected only if the commission concludes, after a review of the record, that a reasonable factual basis does not exist for the commissioner's decision. Rejected orders shall be returned to the commissioner for reconsideration. An order that has been returned to the commissioner twice shall be considered a final decision and eligible for judicial review pursuant to R.S. 38:3097.5.

(2) Review rules and regulations proposed by the commissioner pursuant to the proper administration and enforcement of this Chapter.

(3) Continue the development, in cooperation with the commissioner, of a statewide ground water resource management program that shall include but not be limited to evaluation of the state's ground water resources including current and projected demands; development of a water use conservation program; study of alternatives to ground water use, such as surface water to include treatment and transmission system, and reclaimed water; incentives for conservation; use of alternative technologies; and education and conservation programs. The plan should stress conservation as the primary mechanism for the protection of the state's ground water resources. The commission shall also hold public hearings and consult with local governmental entities in the development of this program.

(4) Evaluate the state's surface water resources including current and projected demands, inventory the state's surface water supplies, identify technical research and previously developed information on surface water, identify potential future deficit areas, study alternatives to surface water use including treatment, transmission systems, and reclamation, and investigate incentives for conservation and the use of alternative technologies, including public education and conservation programs.

(5) Review the contingency plan developed by the commissioner to respond to a ground water emergency.

(6) Direct the commissioner to promulgate rules and regulations for the appointment or designation of up to five regional bodies based on the general location of major aquifer systems and water sources of the state and composed of local stakeholders who are representative of current users. Such bodies may gather data and provide local input to the commission and the commissioner.

(7) At their discretion, attend all public meetings called by the commissioner pursuant to his power and duties in this Chapter.

Acts 2003, No. 49, §2, eff. July 1, 2003; Acts 2006, No. 30, §1; Acts 2012, No. 471, §2; Acts 2012, No. 601, §1, eff. June 7, 2012.

APPENDIX E

CURRENT MEMBERS OF THE WATER RESOURCES COMMISSION

HON. SCOTT ANGELLE, CHAIRMAN
BRADLEY SPICER, VICE-CHAIRMAN, DEPARTMENT OF AGRICULTURE AND FORESTRY
KYLE BALKUM, DEPARTMENT OF WILDLIFE AND FISHERIES
HON. GLENN BRASSEAU, LOUISIANA MUNICIPAL ASSOCIATION
HON. GUY CORMIER, LOUISIANA POLICE JURY ASSOCIATION
JAMES CRAMOND, LOUISIANA RIVER PILOTS' ASSOCIATION
DAVID CULPEPPER, GOVERNOR'S APPOINTEE (GEO-SCIENTIST)
MARK DAVIS, GOVERNOR'S APPOINTEE (WATER LAW)
HON. GORDON DOVE, HOUSE OF REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT
ANTHONY DUPLECHIN, CAPITAL AREA GROUND WATER CONSERVATION DISTRICT
JOHAN FORSMAN, DEPARTMENT OF HEALTH AND HOSPITALS
PAUL FREY, LOUISIANA LANDOWNERS' ASSOCIATION
KAREN GAUTREAU, LOUISIANA WILDLIFE FEDERATION/LEAGUE OF WOMEN VOTERS/COALITION TO RESTORE
COASTAL LOUISIANA
EVE GONZALEZ, PUBLIC SERVICE COMMISSION
JERRY GRAVES, SR., PORTS ASSOCIATION OF LOUISIANA
KENNETH GUIDRY, SENATE COMMITTEE CHAIR APPOINTMENT (RESIDENTIAL CONSUMERS)
CHRISTOPHER KNOTTS, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT
HAROLD "HAL" LEGGETT, LOUISIANA CHEMICAL ASSOCIATION/LOUISIANA MID-CONTINENT OIL AND GAS
ASSOCIATION/LOUISIANA ASSOCIATION OF BUSINESS AND INDUSTRY/LOUISIANA PULP AND PAPER ASSOCIATION
HON. GERALD LONG, SENATE COMMITTEE ON NATURAL RESOURCES
BENJAMIN MALBROUGH, HOUSE COMMITTEE CHAIR APPOINTMENT (RESIDENTIAL CONSUMERS)
CHANCE MCNEELY, DEPARTMENT OF ENVIRONMENTAL QUALITY
MANDI MITCHELL, DEPARTMENT OF ECONOMIC DEVELOPMENT
DAN MORGAN, SPARTA GROUND WATER CONSERVATION DISTRICT
JAMES "JIM" PRATT, SABINE RIVER AUTHORITY
CHARLES SUTCLIFFE, GOVERNOR'S OFFICE OF COASTAL ACTIVITIES
JAMES "JIM" WELSH, COMMISSIONER OF CONSERVATION
FREDERICK ZAUNBRECHER, GOVERNOR'S APPOINTEE (CHICOT AQUIFER REGION)
LINDA ZAUNBRECHER, LOUISIANA FARM BUREAU

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