



**LOUISIANA
WATER RESOURCES
COMMISSION**

REPORT ON ACTIVITIES

APRIL 2018

EXECUTIVE SUMMARY

The Louisiana Legislature has vested the Water Resources Commission with the authority to promote and assist in the effective management of the state's water resources. The Commission has specific information-gathering, evaluative, and support responsibilities for both ground and surface water resource management, along with limited appellate authority over a very specific class of groundwater resource management decisions made by the Commissioner of Conservation.¹ The Commission's purview includes the study and evaluation of overall resource management, current and projected demands, alternative source use opportunities, conservation programs and practices, and the utilization of incentives and new technologies.

This report provides an overview of the Commission's activities for calendar year 2017 under the leadership of Chairman Thomas Harris, Secretary of the Department of Natural Resources. The group convened in two regular meetings on September 27, 2017, and December 6, 2017. The agendas for both meetings are attached at the end of this report as Appendix B. Transcripts of the meetings along with accompanying slide presentations provided by the speakers are available at the Office of Conservation's Ground Water Resources Program web page: <http://dnr.la.gov/groundwater>, specifically accessed through the "Events, Meetings, & Workshops" tab, or directly at: <http://www.dnr.louisiana.gov/index.cfm/page/1502>. At the December 6 meeting, the Commission approved an official resolution enabling the Chairman to convene a work

¹ See Appendix A for legislation relevant to the purpose, authority, and composition of the Water Resources Commission.

group composed of Commission members to study state laws governing the out-of-state sale of surface water and make recommendations for improvements (see Appendix C). There were no other extraordinary actions taken by the Commission.

In its meetings, the Commission received updates on the work of the Water Institute of the Gulf, the status of the Sparta Aquifer, the surface water monitoring program of the U.S. Geological Survey, recent water use for energy development in the Haynesville Shale, and the work and goals of the Union-Lincoln Regional Water Supply Initiative, among more regular reviews of relevant legislation and agency programs. Brief summaries of these presentations are provided in a following section for reference purposes.

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SUMMARY OF MEETING PRESENTATIONS

September 27, 2017

1. The President and CEO of the Water Institute of the Gulf presented on the work of his organization, a not-for-profit, independent, research and technical services group. He discussed the services that the Water Institute provides in the realm of applied research and technical support, including field investigations, analytics, modeling, social and environmental impact studies, technical advising, and decision support and review. He noted the Water Institute's work on the state Coastal Master Plan, discussed on-going projects such as the public/private effort at Port Fourchon for improved environmental and infrastructure planning, and highlighted the recently developed partnership with the Dutch firm Deltares, the world's premier water science organization.

2. Staff with the U.S. Geological Survey presented on the status of the Sparta Aquifer in north-central Louisiana, reporting that, based on preliminary water use totals of 57.2 million gallons per day for 2015 (the most recent data available), the Sparta appears to be close to its sustainable range of 52 to 56 million gallons per day. It was noted that after over-pumping the Sparta for many decades, "for the first time in a very long time we're actually close to breaking even with the amount of water that is naturally coming into the system." Conservation and education efforts factored in this improvement but water reductions due to industrial closures had the most substantial impact, albeit with negative economic consequences for the region. While it was reported that the region is in a "favorable position with regard to our water usage, and our saltwater encroachment has

been positively affected in the areas where water levels are increasing . . . it's not a time that we can take our eyes off of [the situation, because it] could go the other way pretty quickly."

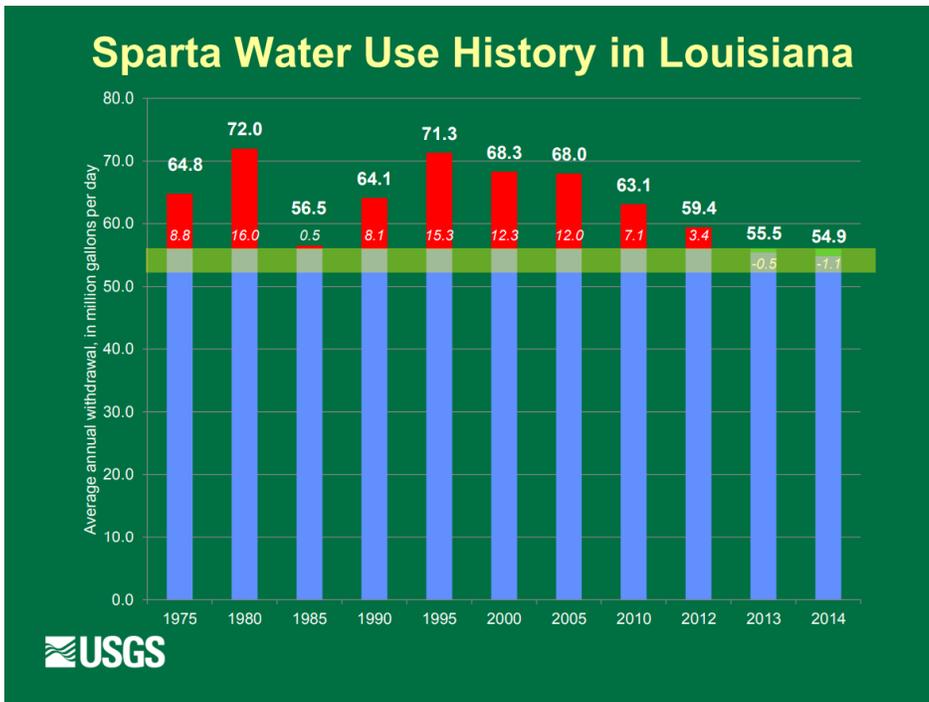
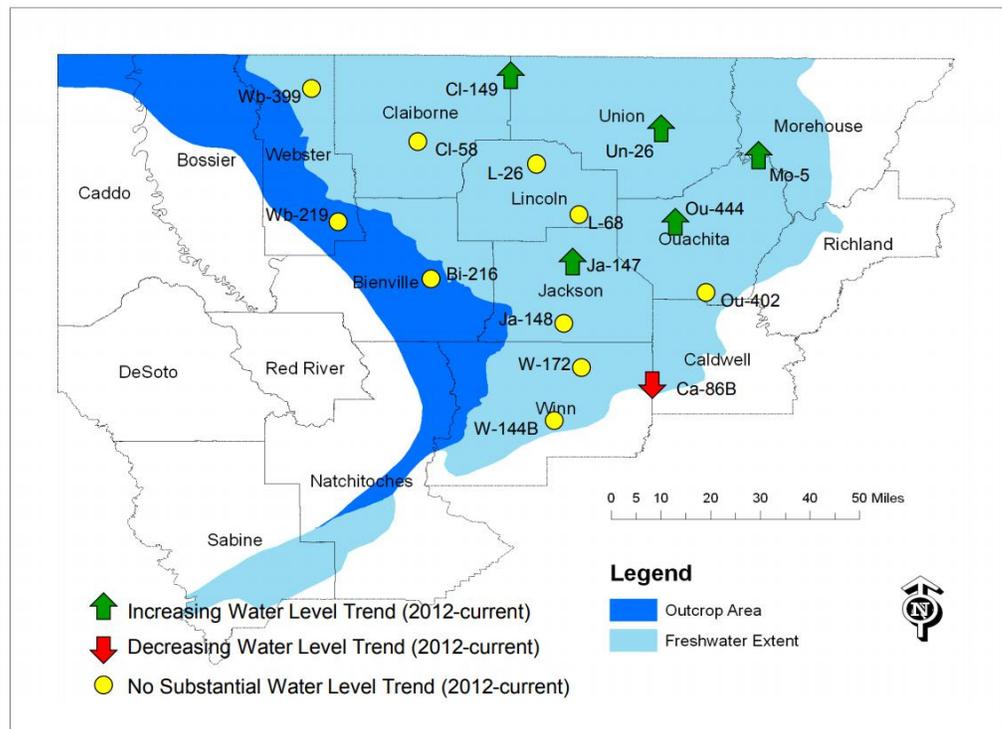


Fig. 1, Sparta Water Use History in Louisiana. Source: USGS.

Fig. 2, Sparta Water Level Trends. Source: USGS.



3. Staff with the U.S. Geological Survey gave an overview of the agency’s surface water monitoring activities in Louisiana. The monitoring network includes approximately 400 sites in the state’s rivers, bayous, and streams, and along the coast as well. The gages collect information on water levels, flow, and quality. In particular, the Amite Basin and lower Atchafalaya are heavily instrumented to evaluate water stage levels (low water and flood events). Several sites along the Mississippi River collect water quality data, such as nitrate levels and turbidity. The coastal sites measure water quality, salinity, temperatures, discharge rates, water-level stages, wind speed and direction, and barometric pressure. Numerous local, state, and Federal agencies utilize these gages: the Department of Wildlife and Fisheries, for instance, to regulate the oyster season, and the state’s coastal agencies to evaluate diversion projects and marsh health, among other usages. Recreational sportsmen make use of the information provided by this system too.

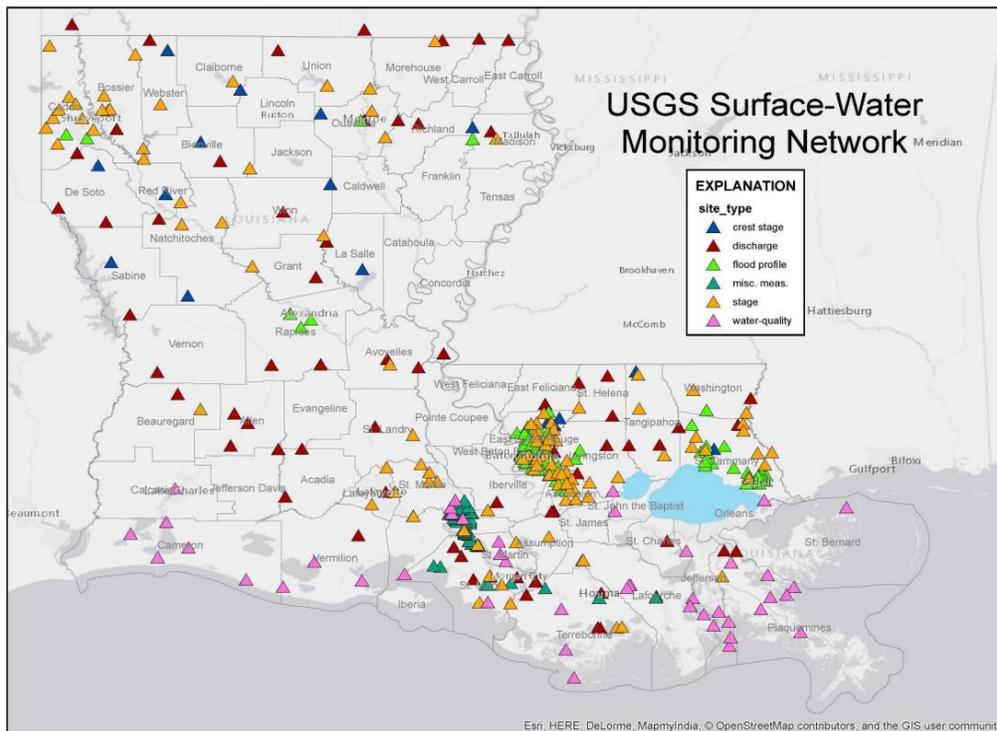
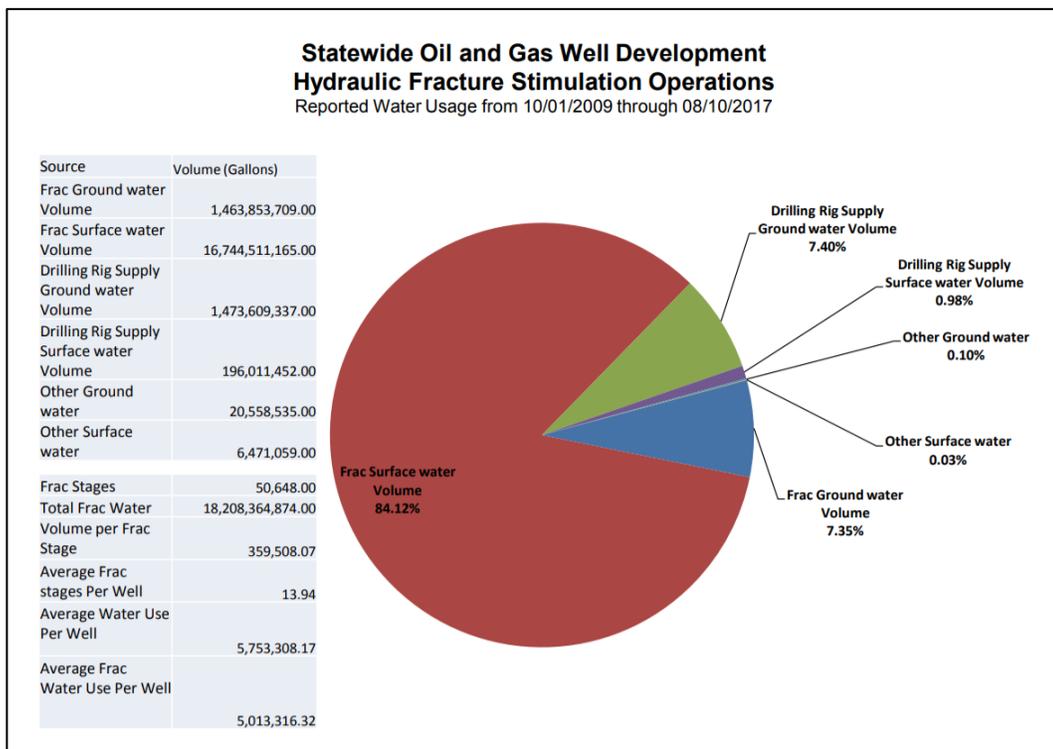
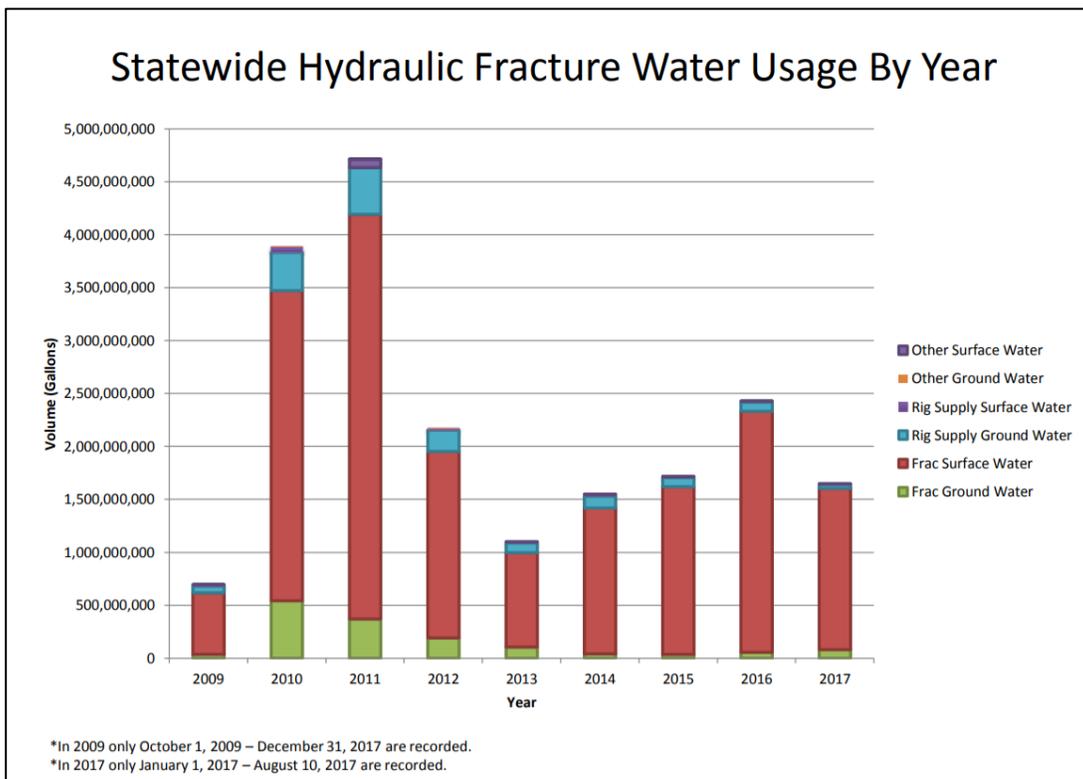


Fig. 3, U.S. Geological Survey Surface-Water Monitoring Network. Source: USGS.

4. Office of Conservation staff provided an update on energy development activities and water use reporting in the state. For the agency—with its statutory responsibility over groundwater sustainability—the most important statistic among all the data presented was that more than 84% of all water use for hydraulic fracture activities in the state between 2009 and 2017 had come from surface water sources. The agency’s 2008 advisory to oil and gas companies was an important step in helping shift these development activities from limited groundwater sources to more abundant surface water sources. Moreover, while the agency had seen an uptick in hydraulic fracture activity beginning in mid-2016, water use reporting for those jobs through the first half of 2017 showed a 92% reliance on surface water sources.



Source: Louisiana Office of Conservation.



Source: Louisiana Office of Conservation.

5. Staff from the Office of Conservation provided a review of Act 425 of 2017 that required semiannual groundwater reporting from the state’s groundwater conservation districts and provided for certain parliamentary procedures for the same. Staff from the Department of Wildlife and Fisheries provided a review of Act 189 of 2017 that exempted portions of certain rivers from the provisions of the Natural and Scenic Rivers Program. Staff from the Department of Environmental Quality provided a review of Act 371 of 2017 that authorized the Secretary of DEQ to establish and administer a water quality trading program. These bills are included in this document as Appendix D.

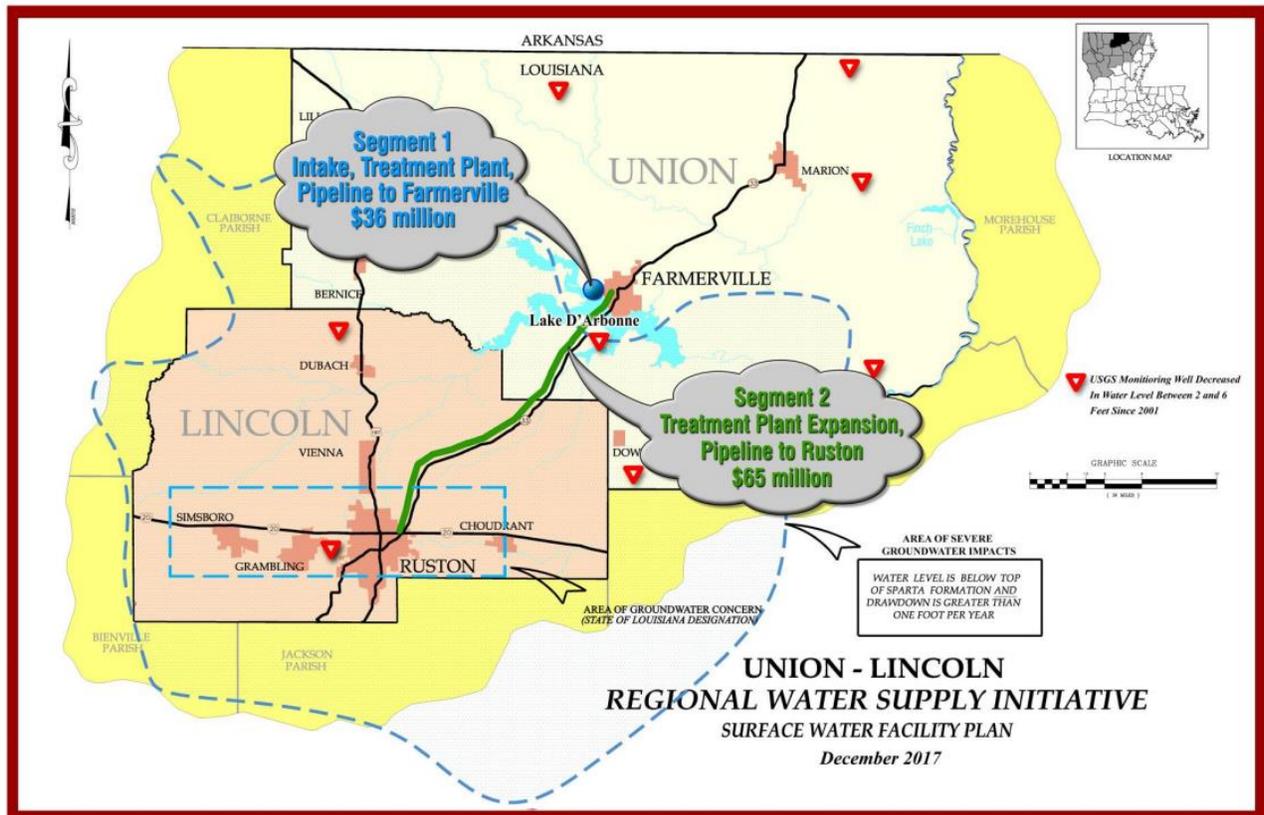
December 6, 2017

6. Office of Conservation staff presented on the role of the Commissioner of Conservation in state groundwater management and provided an overview of the agency's Ground Water Resources Program, including its responsibilities for maintaining the state's water well notification and registration program. Staff from the Department of Natural Resources provided a review of the state's Surface Water Management Program, which is scheduled to sunset completely in 2020.

7. The chair of the Union-Lincoln Regional Water Supply Initiative (ULRWSI) introduced the effort before turning the presentation over to an engineering consultant. In the introduction, it was noted that both Union and Lincoln Parishes had been working closely together over the past dozen years to "make sure that our future will not be determined by a poor quality of water or quantity of water." It was reported that the two parishes have rights to Lake D'Arbonne and that "today more than ever . . . economic development is dependent upon water." The purpose of the ULRWSI is to build a water supply for future growth.

Even though the region is "flirting with a sustainable level of withdrawal with the Sparta Aquifer now" after decades of overdraft, the Sparta Aquifer has limitations as a source of water supply for the long-term. The ULRWSI would tap Lake D'Arbonne to supply the region for the future. Segment 1 of the initiative would serve Farmerville and the local poultry industry in that area; Segment 2 would develop a pipeline to Ruston.

All total, the initiative would shift about 12 million gallons a day from groundwater to a surface water source while providing a balance of water for economic development. In response to a query from Commissioner Knotts, it was reported that the impact of this usage to Lake D'Arbonne in a dry period, with "no inflow, no rainfall" was estimated to be "1 inch in 31 days with no replenishment."



Source: ULRWSI.

APPENDIX A

LEGISLATION RELEVANT TO THE PURPOSE, AUTHORITY, AND COMPOSITION OF 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 B

AGENDAS OF WATER RESOURCES COMMISSION MEETINGS, 2017



JOHN BEL EDWARDS
GOVERNOR

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

THOMAS F. HARRIS
SECRETARY

RICHARD P. IEYOUNG
COMMISSIONER OF CONSERVATION

Water Resources Commission
10th Regular Meeting
Wednesday, September 27, 2017
11 a.m.

LaSalle Building – 1st Floor
LaBelle Room
617 North 3rd Street
Baton Rouge, Louisiana 70802

Meeting Agenda

1. **Call to Order**
2. **Roll Call**
3. **Adoption of the Previous Meeting Summary**
4. **Discuss the Formation of a Work Group on the Sale of Louisiana's Surface Waters**
Chairman Thomas Harris
5. **Introduction from Water Institute of the Gulf President and CEO**
Justin Ehrenwerth
6. **Recent Science from the Sparta Aquifer**
Ben McGee, US Geological Survey
7. **Modeling of Louisiana's Aquifer Systems**
Frank Tsai, LSU Dept. of Civil and Environmental Engineering
8. **USGS Surface Water Management**
John Lovelace, US Geological Survey
9. **Recent Activity in the Haynesville Shale**
Matthew Reonas, Office of Conservation
10. **Agency Legislative Update**
 - a. **Act 425 (Groundwater commissions)** – *Matthew Reonas, Office of Conservation*
 - b. **Act 189 (Scenic rivers)** – *Matthew Weigel, Dept. of Wildlife and Fisheries*
 - c. **Act 371 (Water quality trading)** – *Amanda Vincent, Dept. of Environmental Quality*
11. **Public Comments**
12. **Adjourn**

*** Please note that Dr. Frank Tsai was not able to attend the meeting and present for agenda item 7, "Modeling of Louisiana's Aquifer Systems."**



JOHN BEL EDWARDS
GOVERNOR

State of Louisiana
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF CONSERVATION

THOMAS F. HARRIS
SECRETARY

RICHARD P. IEYOUB
COMMISSIONER OF CONSERVATION

Water Resources Commission
11th Regular Meeting
Wednesday, December 6th, 2017 11 a.m.
LaSalle Building – 1st Floor LaBelle Room
617 North 3rd Street
Baton Rouge, Louisiana 70802

Meeting Agenda

1. **Call to Order**
2. **Roll Call**
3. **Welcome of New Members**
4. **Adoption of the Previous Meeting Summary**
5. **Review of DNR Water Resources Management Programs**
 - a. Office of Conservation Ground Water Resources Program – *Matthew Reonas*
 - b. DNR Surface Water Management Program – *Thomas Van Biersel*
6. **Work Group to Study Out-of-State Sale of Surface Water—Action on Resolution**
Chairman Thomas Harris
7. **Update on Union-Lincoln Regional Water Supply Initiative**
Hon. Stein Baughman, Mayor, Town of Farmerville and Board President, ULRWSI
8. **Public Comments**
9. **Adjourn**

APPENDIX C

RESOLUTION STUDY GROUP ON OUT-OF-STATE SALES OF SURFACE WATER, DECEMBER 6, 2017

Louisiana Water Resources Commission

December 6, 2017

A RESOLUTION

WHEREAS, Louisiana enjoys an abundance of surface water resources that has attracted interest in the past and likely will continue to be of interest in the future to public and private entities outside the State of Louisiana; and

WHEREAS, current state law, in particular Act 784 of 2012, sets forth certain approvals necessary to the sale of such surface water resources to out-of-state entities by the Sabine River Authority-Louisiana but does not provide for such approvals or processes from other state-owned water bodies; and

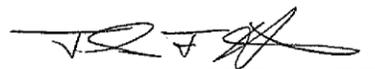
WHEREAS, prior to entertaining any potential offers to divert surface water to outside entities beyond its borders, the State of Louisiana must first have a good understanding of its own needs for population growth, economic development, environmental conservation, wildlife protection, and a sustainable coast, in accordance with the mandates of the state Constitution; and

WHEREAS, the Louisiana Water Resources Commission, with its breadth of experience as embodied in its members and set forth in its charge from the Legislature, has studied the major issues of water resource management in the state and worked to improve current management practices; and

WHEREAS, this experience has given the Water Resources Commission particular insight into Louisiana's water resource management needs.

NOW, THEREFORE, BE IT RESOLVED that the Louisiana Water Resources Commission does hereby authorize the Chairman to constitute at his discretion a work group of members to study existing state laws governing the sales of surface water to out-of-state entities and make recommendations for improvements and/or additional processes for such sales that will guarantee that the State of Louisiana not only protects its own needs but also receives a fair market value for its water resources, such study to be reported back to the Water Resources Commission for final approval before being forwarded to the Legislature.

On behalf of the Members of the Louisiana Water Resources Commission



Thomas F. Harris
Chairman

APPENDIX D

LEGISLATIVE ACTS REVIEWED AND DISCUSSED BY THE WATER RESOURCES COMMISSION, 2017

ENROLLED

2017 Regular Session

ACT No. 425

HOUSE BILL NO. 689 (Substitute for House Bill No. 535 by Representative Marcelle)

BY REPRESENTATIVE MARCELLE

1 AN ACT
2 To amend and reenact R.S. 38:3097.8 and to enact R.S. 38:3097.3(G) and 3097.9, relative
3 to water resource management; to provide for the duties and powers of the
4 commissioner of conservation; to provide for reporting and parliamentary
5 requirements for certain water conservation districts; and to provide for related
6 matters.
7 Be it enacted by the Legislature of Louisiana:
8 Section 1. R.S. 38:3097.8 is hereby amended and reenacted and R.S. 38:3097.3(G)
9 and 3097.9 are hereby enacted to read as follows:
10 §3097.3. Commissioner of conservation; powers and duties
11 * * *
12 G. The commissioner shall ensure submission of the semiannual reports
13 required of the ground water conservation districts by R.S. 38:3097.8. If the reports
14 are not submitted timely or do not include the pertinent information required, the
15 commissioner is authorized to require monthly submissions of the reports until he
16 is satisfied with the adequacy and informative nature of the reports.
17 * * *
18 §3097.8. ~~Annual report~~ Semiannual reports regarding groundwater quality and
19 saltwater intrusion
20 A. On or before ~~April first annually, each water conservation district, fresh~~
21 ~~water district, and groundwater~~ May first and November first every year, each
22 ground water conservation district created by law or designated as a regional body,
23 pursuant to R.S. 38:3097.4(D)(6), shall submit a written report of the district's
24 groundwater resources to the commissioner of conservation, the Water Resources
25 Commission, the Water Management Advisory Task Force, the Senate Committee

Page 1 of 2

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1 on ~~Natural Resources~~ Environmental Quality, and the House Committee on Natural
 2 Resources and Environment a written report detailing the district's ground water
 3 resources and the activities and actions taken with respect to each of the district's
 4 powers delineated by laws creating the district. The report shall also include but not
 5 be limited to the amount of water used for residential, commercial or industrial, or
 6 agricultural purposes, respectively; actual and projected saltwater intrusion or
 7 encroachment; and any current or projected sale of water for use outside of the state,
 8 including the amount of water so sold and the price paid by each out-of-state user.

9 B. For purposes of the ~~annual~~ semiannual report, the amount of water used
 10 for agricultural or industrial purposes may be estimated.

11 C. The commissioner shall promulgate a form with a checklist of the
 12 pertinent information required to be included in the semi-annual report.

13 §3097.9. Ground water conservation district meetings

14 Any governing authority of a ground water conservation district created by
 15 law or designated as a regional body, pursuant to R.S. 38:3097.4(D)(6), shall adhere
 16 to the Open Meetings Law, R.S. 42:11 et seq. Such governing authority shall issue
 17 public notice of meetings, including an agenda, at least twenty-four hours in
 18 advance. In addition, the public shall be provided the opportunity to comment on
 19 each item on the agenda and for general comments at the end of each meeting. Any
 20 such governing authority shall operate under Robert's Rules of Order and shall record
 21 and maintain minutes of each meeting. Any standing subcommittee created by such
 22 governing authority shall be composed only of members of the governing authority
 23 and the governing authority shall not establish ad hoc committees.

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 132

BY SENATOR WHITE

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

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AN ACT

To amend and reenact R.S. 56:1855(M)(2) and to enact R.S. 56:1855(O), relative to the Louisiana Scenic Rivers Act; to provide for certain natural and scenic rivers; to provide exceptions for certain uses on the Amite River, West Pearl River, Tangipahoa River, Tchefuncte River, Bogue Falaya River, Abita River, Comite River, and Bayou Manchac; to provide terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1855(M)(2) is hereby amended and reenacted and R.S. 56:1855(O) is hereby enacted to read as follows:

§1855. Exceptions

* * *

M.(1)

* * *

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

* * *

O. Notwithstanding other provisions of R.S. 56:1853, clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or federal government for drainage purposes in the Amite River, Tangipahoa River, West Pearl River, Tchefuncte River, Bogue Falaya

SB NO. 132

ENROLLED

1 River, Abita River, and Comite River shall be permitted by the department in
2 accordance with the requirements and procedures provided for in R.S. 56:1849.

3 Section 2. This Act shall become effective on June 30, 2018.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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ACT No. 371

2017 Regular Session

HOUSE BILL NO. 423

BY REPRESENTATIVE LEOPOLD

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AN ACT

To amend and reenact R.S. 30:2074(B)(9)(a), (b), and (c) and to repeal R.S. 30:2074(B)(9)(d) and (e), relative to water quality; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to provide for the establishment and administration of a water quality trading program; to provide for certain criteria for credits; to provide for limitations on use of credits; to provide for records; to provide for a pilot program; to provide for legislative oversight; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2074(B)(9)(a), (b), and (c) are hereby amended and reenacted to read as follows:

§2074. Water quality control; secretary of environmental quality; powers and duties

* * *

B. The secretary shall have the following powers and duties:

* * *

(9)(a) To adopt and promulgate regulations necessary to establish and administer a point source to point source effluent reduction credit banking system for the state's watersheds where Total Maximum Daily Load limitations are in place water quality trading program as an inducement to reduce discharges of pollutants into waters of the state. This water quality trading program may include point source and nonpoint source participation. Nonpoint sources may participate in the program through a written agreement between the department and the appropriate

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 governmental entity with jurisdiction over the nonpoint source, or other written
2 agreement with the department. Such regulations shall include, at a minimum, the
3 following:

4 ~~(a) Provision for the administration of the banking system.~~

5 (i) Criteria under which credits may be certified, generated, quantified, and
6 validated.

7 (ii) Geographical limitations on the use of credits, where applicable.

8 (iii) Criteria for the monitoring, certifying, generating, use, banking, term,
9 enforcement, and sale of banked credits.

10 (iv) The approval of the department for the certifying, generating, use,
11 banking, and sale of banked credits.

12 (v) Requirements for the maintenance and submission of records concerning
13 monitoring of pollutant levels, credit offset amounts, and banked credits.

14 (vi) Any other requirements needed to comply with federal and state laws and
15 regulations.

16 ~~(b) Limit trading of credits to trading within the same watershed in which the~~
17 ~~credits are earned. A pilot project may be used to aid in the development of a water~~
18 ~~quality trading program prior to the adoption of regulations promulgated pursuant~~
19 ~~to Subparagraph (a) of this Paragraph. Any such project shall be conducted in~~
20 ~~accordance with the terms and conditions of an implementation plan approved by the~~
21 ~~department.~~

22 ~~(c) Credits shall be pollutant specific, and credits may only be traded for that~~
23 ~~pollutant on days when constituent testing is conducted, unless other creditable~~
24 ~~pollutants are approved by the department. In addition to the review of agency rules~~
25 ~~provided for in R.S. 49:968, all reports of rules and regulations implementing the~~
26 ~~provisions of this Paragraph shall also be submitted to the House Committee on~~
27 ~~Agriculture, Forestry, Aquaculture and Rural Development and the Senate~~
28 ~~Committee on Agriculture, Forestry, Aquaculture and Rural Development for~~
29 ~~oversight in accordance with the procedures provided for in R.S. 49:968.~~

30 * * *

HB NO. 423

ENROLLED

- 1 Section 2. R.S. 30:2074(B)(9)(d) and (e) are hereby repealed in their entirety.
- 2 Section 3. This Act shall become effective upon signature by the governor or, if not
- 3 signed by the governor, upon expiration of the time for bills to become law without signature
- 4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
- 5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 6 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

APPENDIX E

CURRENT MEMBERS OF THE WATER RESOURCES COMMISSION

THOMAS HARRIS, CHAIRMAN, DEPARTMENT OF NATURAL RESOURCES

BRADLEY SPICER, VICE-CHAIRMAN, DEPARTMENT OF AGRICULTURE AND FORESTRY

KYLE BALKUM, DEPARTMENT OF WILDLIFE AND FISHERIES

HON. STUART BISHOP, HOUSE OF REPRESENTATIVES COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT

CAPT. MICHAEL BOPP, LOUISIANA RIVER PILOTS' ASSOCIATION

HON. GLENN BRASSEAU, LOUISIANA MUNICIPAL ASSOCIATION

HON. NORBY CHABERT, SENATE COMMITTEE ON NATURAL RESOURCES

HON. GUY CORMIER, LOUISIANA POLICE JURY ASSOCIATION

DAVID CULPEPPER, GOVERNOR'S APPOINTEE (GEO-SCIENTIST)

MARK DAVIS, GOVERNOR'S APPOINTEE (WATER LAW)

ANTHONY DUPLECHIN, CAPITAL AREA GROUND WATER CONSERVATION DISTRICT

JOHAN FORSMAN, DEPARTMENT OF HEALTH

WARREN FOUNDS, III, SABINE RIVER AUTHORITY

PAUL FREY, LOUISIANA LANDOWNERS' ASSOCIATION

KAREN GAUTREAU, LOUISIANA WILDLIFE FEDERATION/LEAGUE OF WOMEN VOTERS/COALITION TO RESTORE
COASTAL LOUISIANA

LINDSAY GOUEDY, SPARTA GROUND WATER CONSERVATION DISTRICT

TYLER GRAY, LOUISIANA CHEMICAL ASSOCIATION/LOUISIANA MID-CONTINENT OIL AND GAS
ASSOCIATION/LOUISIANA ASSOCIATION OF BUSINESS AND INDUSTRY/LOUISIANA PULP AND PAPER ASSOCIATION

KENNETH GUIDRY, SENATE COMMITTEE CHAIR APPOINTMENT (RESIDENTIAL CONSUMERS)

JIM HARPER, LOUISIANA FARM BUREAU

RICHARD IEYOUB, COMMISSIONER OF CONSERVATION

CHRISTOPHER KNOTTS, DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

BENJAMIN MALBROUGH, HOUSE COMMITTEE CHAIR APPOINTMENT (RESIDENTIAL CONSUMERS)

SHERRI McCONNELL, DEPARTMENT OF ECONOMIC DEVELOPMENT

DAVID RABALAIS, PORTS ASSOCIATION OF LOUISIANA

CHARLES SUTCLIFFE, GOVERNOR'S OFFICE OF COASTAL ACTIVITIES

ELLIOT VEGA, DEPARTMENT OF ENVIRONMENTAL QUALITY

FREDERICK ZAUNBRECHER, GOVERNOR'S APPOINTEE (CHICOT AQUIFER REGION)

BRANDON FREY, PUBLIC SERVICE COMMISSION

LOUISIANA WATER RESOURCES COMMISSION

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