

MEMORANDUM OF UNDERSTANDING

BETWEEN

STATE RESOURCE AGENCIES

REGARDING

SURFACE WATER WITHDRAWAL

I. THE PARTIES: The parties to this document are the Louisiana Department of Natural Resources (DNR), the Louisiana Department of Environmental Quality (LDEQ), and the Louisiana Department of Wildlife and Fisheries (WLF).

II. BACKGROUND AND PURPOSE:

It has come to the attention of the resource agencies of the State of Louisiana that running water and water in naturally navigable water bodies owned by the State is being removed for private use.

The Attorney General, state departments, local governments, and the legislature are in the process of debating the issues regarding management of our state's various water resources, including surface waters.

In the meantime, there is need for all agencies to work together for a solution, and a corresponding need to make sure that the state's water resources are being protected.

By Guidance Memorandum dated February 5th, 2010, to all State Surface Water Managers, the Attorney General and the Secretary of DNR have indicated that, pursuant to the State constitutional obligations and mandates set forth in La. Const. Art. IX, which directs and requires these offices protect the natural resources and the environment of the State, the sale or transfer of State-owned surface waters should have prior approval from the Office of the Attorney General and the Department of Natural Resources.

In addition, the Attorney General has released Opinion Nos. 08-0176, 09-0028 and 09-0066 on March 17th and 19th, 2010 expounding on these matters.

Each signatory agency has some degree of responsibility for protection of the state's water resources at a time when these numerous, important and novel issues regarding the resource are daily being raised.

Memorandum of Understanding
State Resource Agencies
Surface Water Withdrawal

Having a Memorandum of Understanding (MOU) between the signatory agencies in place will add credence to the process, avoid duplication of effort, streamline and facilitate efficiency in government when the agencies need to respond to issues involving use of surface water resources.

III. RECITALS:

A. DNR shall act as the coordinating agency for requests for withdrawal of surface waters. All inquiries, correspondence, requests and applications should be directed to DNR, Office of the Secretary. This will include requests for comments from federal permitting and federal resource agencies. DNR in turn will distribute requests, and will coordinate agency comments and responses.

B. The Parties are entering into this Memorandum of Understanding to foster compliance with state laws and regulations pertaining to the withdrawal of water under the jurisdiction of the respective agencies and to provide a general framework for cooperative efforts among the signatory organizations regarding the management and use of surface water. The Parties recognize the value of working together to protect and preserve Louisiana's valuable natural resources.

V. PARALLEL PROCEEDINGS: The Parties acknowledge the value of each agency's regulatory and civil procedures in obtaining compliance with state and federal laws and that this document is not intended to supplant any state or federal regulatory or civil procedure.

VI. CIVIL LIABILITY AND AGENCY: No agency relationship is created between the Parties, nor shall any agency's officers, agents or employees be deemed officers, agents or employees of any other agency.

VII. OTHER PROVISIONS:

A. All Parties agree that they shall bear their own costs, if any, incurred in furtherance of activities in support of this memorandum of understanding.

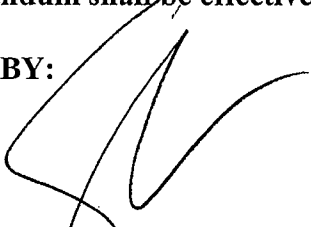
B. This memorandum of understanding is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contribution of funds, goods or services between the Parties will be handled in accordance with applicable laws, regulations and procedures. Such endeavors, if any, will be outlined in separate agreements that shall be made in writing by representatives of the Parties and shall be independently authorized by appropriate statutory authority.

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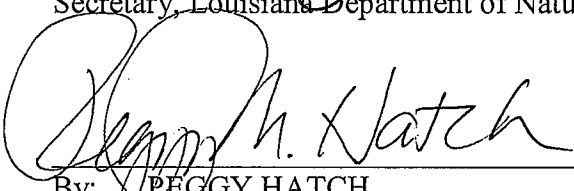
VIII. TERMINATION: The terms of this agreement will remain in effect until terminated by any of the Parties. Any alteration will be in writing and acknowledged by a representative for each agency.

This Memorandum shall be effective as of the 22nd day of April, 2010.

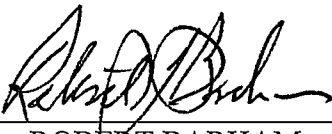
APPROVED BY:



By: SCOTT A. ANGELLE
Secretary, Louisiana Department of Natural Resources



By: PEGGY HATCH
Secretary, Louisiana Department of Environmental Quality



By: ROBERT BARHAM
Secretary, Louisiana Department of Wildlife and Fisheries