



THE BATON ROUGE WATER COMPANY

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Mr. Richard P. Ieyuob
Commissioner of Conservation
Louisiana Office of Conservation
P.O. Box 94275
Baton Rouge, LA 70804-9275

Mr. Anthony J. Duplechin
Executive Director
Capital Area Groundwater Conservation District
3535 South Sherwood Forest Blvd., Ste. 137
Baton Rouge, LA 70816-2255

Re: Comments to DRAFT Guidance Form and Checklist (Act 425, Groundwater Commission Reporting)

Gentlemen,

As a good steward of the groundwater resources within the Capital Area Groundwater Conservation District (the "CAGWCD"), Baton Rouge Water Company appreciates the laudable goal of Act 425 and the Louisiana Office of Conservation's (LOC) effort in working to craft a Form and Checklist that will satisfy the Commissioner's statutory obligations under the Act. However, Item R of the Draft Checklist requiring the CAGWCD include information regarding out-of-district transfers of groundwater to Parishes outside the District in their Semiannual Groundwater Reports, requires the CAGWCD provide information which is: (1) outside the statutory scope of information mandated in the Act (i.e., La. R.S. 38:3097.8) and (2) beyond the current regulatory authority of the CAGWCD to require regulated users operating within the District provide to the CAGWCD. For these reasons, Item R of the Draft Checklist should be deleted from the Checklist in its entirety.

Out-of-District transfer information is outside statutory scope of information mandated in the Act
La. R.S. 38:3097.8 as amended by the Act, identifies the information that the CAGWCD and other Districts must include in the Semiannual Reports:

- Details of the District's activities and actions taken within its legal authority;
- Water usage by residential, commercial, industrial and agricultural users;
- Information regarding saltwater intrusion or encroachment; and
- Information regarding the sale of water for use outside the state.

The information regarding intrastate out-of-district transfers set forth in Item R of the Draft Checklist is not encompassed within any of the informational items mandated in Section 3097.8 and the Act does not vest the Commissioner with authority to expand the informational requirements of the Reports beyond those items designated in Section 3097.8.

Out-of-District transfer information is beyond the current regulatory authority of the CAGWCD to require regulated users provide to the CAGWCD

In order to exercise its statutory authority, the Capital Area Ground Water Commission, as the governing board of the CAGWCD, has adopted regulations applicable to regulated ground water users within the District. None of these regulation require that a regulated ground water user maintain and provide to CAGWCD and/or the Commission the out-of-district transfer information set forth in Item R of the Draft Checklist.

Conclusion

As outlined above, the information identified in Item R of the Draft Checklist is beyond the scope of information required under the Act and La. R.S. 38:3097.8 and beyond the regulatory authority of the CAGWCD to require of regulated users within the District. In addition, the collection of such information will not materially advance the goal of protecting the ground water resources within the District. For all these reasons Item R should be deleted from any Checklist promulgated under Act 425.

Sincerely,

BATON ROUGE WATER COMPANY



Patrick J. Kerr
President

PJK:mc