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GOVERNOR

State of Louisiana  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF CONSERVATION

THOMAS F. HARRIS  
SECRETARY

RICHARD P. IEYOUB  
COMMISSIONER OF CONSERVATION

September 26, 2017

Patrick Kerr, President  
The Baton Rouge Water Company  
P.O. Box 96016  
Baton Rouge, LA 70896-9016

Re: Comments on DRAFT Guidance Form and Checklist (Act 425, Groundwater Commission Reporting)

Dear Mr. Kerr:

I have received your letter of September 22, 2017, with comments included on the guidance form with checklist developed by the Office of Conservation in compliance with Act 425 of 2017 Regular Session. I sincerely appreciate your efforts to improve the reporting under Act 425, which, as you note, is for the laudable purpose of improving the effective public management of the groundwater resources within the Capital Area Ground Water Conservation District (CAGWCD).

I understand your assertions to be that the reporting item requesting information for out-of-district water transfers is 1) "outside [the] statutory scope of information mandated in the Act," and 2) "beyond the current regulatory authority of the CAGWCD to require regulated users provide to the CAGWCD." Having carefully evaluated all provisions of Act 425 in consultation with legislative committee staff, it has been determined that the act is broad enough to encompass all potential checklist items included. Act 425 directs that a written report be submitted "detailing the district's ground water resources and the activities and actions taken with respect to *each of the district's powers delineated by laws creating the district*" (italics added), and further directs that said report "shall also include *but not be limited to* the amount of water used for residential, commercial or industrial, or agricultural purposes, respectively; actual and projected saltwater intrusion or encroachment; and any current or projected sale of water for use outside the state, including the amount of water so sold and the price paid by each out-of-state user" (italics added).

Of particular interest for this item, R.S. 38:3076.A.8 authorizes the Board of the CAGWCD, "To collect data; to make investigations and inspections; to examine properties, papers, books, and records relevant to groundwater use or conservation; . . . to provide for the keeping of records and making of reports by owners of water wells providing water to users, and users of groundwater within the district." Additionally, R.S. 38:3076.A.12 authorizes the CAGWCD Board "to establish groundwater use priorities, under conditions supported by research data, which indicate depletion of water subject to this Part," while R.S. 38:3076.A.22 authorizes the CAGWCD Board, "to expand the district to include adjacent parishes." As provided by Act 425 and the CAGWCD's enabling statutory authority detailed in the paragraphs above, reporting such information provided under this item is of material interest to the management of the groundwater resources in the CAGWCD.

Environmental Division

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That being said, the instructions for the guidance form and checklist make ample provision for the Board of the CAGWCD to explain or justify its inability to report on items: specifically, “If the District is unable to provide any of the requested information, an explanation or justification must be provided, subject to acceptance or rejection by the Commissioner of Conservation” (original underscore). As noted, the powers of the Board of the CAGWCD to collect all manner of data and records from its regulated community are exceedingly broad; however, if no rules or regulations currently exist to compel such collection of data or recordkeeping/reporting, the Board should make note of that in its Act 425 report and possibly consider moving towards the creation of such rules/regulations that would provide the fullest understanding possible of the use of the district’s groundwater resources.

Sincerely,



*for* Richard P. Ieyoub  
Commissioner of Conservation

Cc: Anthony Duplechin, Ryan Scardina

RPI; jmr