



JOHN BEL EDWARDS  
GOVERNOR

State of Louisiana  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF CONSERVATION

THOMAS F. HARRIS  
SECRETARY

RICHARD P. IEYOUNG  
COMMISSIONER OF CONSERVATION

July 7, 2017

Tyler McCloud  
Natural Resources and Environment Committee  
Louisiana House of Representatives  
State Capitol, P.O. Box 94062  
Baton Rouge, LA 70804

Re: Clarification of Reporting Requirements under Act 425 of 2017 (Sparta Commission)

Dear Mr. McCloud,

As you are aware, Representative Denise Marcelle's HB 689 (Regular Session, 2017) concerning reporting requirements and parliamentary procedures for groundwater commissions was recently signed into law by Governor Edwards as Act 425 of 2017. In anticipation of this development, I communicated by letter (attached) on June 9 to the chairman of the Sparta Ground Water Conservation Commission my agency's plans for providing guidance on such reporting as may be required by Act 425, particularly the "written report 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," such authority "to ensure submission of the semiannual reports" likewise having been delegated to the Commissioner of Conservation by Act 425.

In that letter of June 9, I identified consultation with legislative staff to clarify our interpretation of the law as the Office of Conservation's first step preparatory to drafting and promulgation of a guidance document form and reporting checklist, again per direction of Act 425 ("The commissioner shall promulgate a form with a checklist of the pertinent information required to be included in the semi-annual report"). In this vein, I am asking for either clarification or concurrence on the below listed items regarding my authority as Commissioner of Conservation with regards to enforcement of Act 425 and my agency's suggested reporting requirements for the Sparta Ground Water Conservation District, with respect to its powers as delineated by law. I will note here that a separate letter is being prepared to address similar matters for the Capital Area Ground Water Conservation District, the legal powers and obligations of which, as a regulatory body, are much more expansive than those of the Sparta, an advisory body.

1. The Commissioner of Conservation has the authority to ensure submission of the semi-annual reports as stipulated by Act 425.
2. The Commissioner of Conservation has the authority to require monthly submissions of these reports if the reports are not submitted in a timely manner as established by Act 425 (May 1 and November 1 of each year) or do not include the pertinent information required by law, until such time as the Commissioner of Conservation is satisfied with the adequacy and informative nature of the reports.

3. The Commissioner of Conservation has the authority to determine what information is pertinent to such reports within the broad scope established by Act 425 and “with respect to each of the district’s powers delineated by laws creating the district.”
4. The Commissioner of Conservation shall promulgate a form with a checklist of the pertinent information required to be included in the semi-annual report, such form or checklist relevant to each district’s powers as created by law and subject to revision as deemed prudent by the Commissioner of Conservation through administrative process.
5. After evaluating the scope of the powers established for the Sparta Ground Water Conservation District and its governing authority (La. R.S. 38:3087.131, et seq.), the following items are suggested for inclusion within this body’s semi-annual reports:
  - a. Members and officers of the board of commissioners of the Sparta Ground Water Conservation District, including the bodies that such members represent, and changes in membership since the last report.
  - b. The official agenda and a brief summary of any official hearings, other than regular board meetings, held by the board of commissioners.
  - c. The terms and scopes of any cooperative agreements or contracts entered into by the board of commissioners, such agreements or contracts being relative to the study or survey of the groundwater resources in the district; recommendations for conservation of groundwater resources; and prevention or alleviation of damaging or potentially damaging drawdowns, land surface subsidence, and groundwater quality degradation.
  - d. An accounting of actions considered and taken by the board of commissioners relative to its specified functions. Copies of board meeting minutes are acceptable in this regard and for the above listed items if the minutes, as evaluated by the Commissioner of Conservation, are of sufficient detail to provide an understanding of the activities of the board of commissioners in the performance of its delineated functions.

Thank you for your assistance in this matter. Please let me know if my staff can answer any questions.

Sincerely,



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Richard P. Ieyoub

Commissioner of Conservation



Cc: Su King, McHenry Lee

Attachment

RPI; jmr



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June 9, 2017

Zack Spivey, Chairman  
Sparta Ground Water Conservation Commission  
912 Goodgoin Rd.  
Ruston, LA 71270

Re: Office of Conservation Process for Meeting House Bill 689 Obligations

Dear Chairman Spivey:

The Louisiana Legislature recently passed Representative Denise Marcelle's House Bill 689 (attached) which establishes certain new obligations for the state's groundwater conservation districts and likewise provides for additional oversight responsibilities by the Office of Conservation relative to these requirements as part of La. R.S. 38:3097.8. Provided below are the Office of Conservation's intended actions to meet its statutory responsibilities as defined in this legislation, pending its approval by the Governor. In order to meet these obligations, the agency will:

1. Consult with legislative staff as appropriate to clarify our interpretation of the law in order to provide the best possible guidance to groundwater conservation districts.
2. Draft a guidance document form and reporting checklist.
3. Promulgate said form and checklist according to law.

The Office of Conservation values highly the work of the Sparta Commission in north Louisiana. We also understand the limits of the Commission's statutory authority and I want to assure you that my staff will be available to answer questions and otherwise assist the Commission in meeting its new obligations.

Sincerely,

A handwritten signature in black ink that reads "Richard P. Ieyoub".

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Richard P. Ieyoub  
Commissioner of Conservation

Cc: Lindsay Gouedy

Attachment

RPI/jmr