

Louisiana Water Resources Commission

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WEDNESDAY, DECEMBER 5TH, 2012

HON. SCOTT ANGELLE, CHAIRMAN

A Constitutional Mandate

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- *“The natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people.”*

Article IX, Section 1

1974 State Constitution of Louisiana

Water Management Milestones in La.

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- 1972 - First regulatory law passed, 160 years after statehood! Mandated construction requirements, licensing, and registration for water wells
- 1974 - Capital Area Ground Water Conservation District created by Legislature; Sparta Ground Water Conservation District created in 1999
- 2001 - Act 446 creates Louisiana Ground Water Resources Commission and Ground Water Management Advisory Task Force; Act 49 of 2003 places these under Office of Conservation
- 2008 - Act 581 provides civil penalties for violations of groundwater regulations
- 2010 – Act 955 establishes policy for withdrawals of “running waters of the state” by non-riparian landowners; Act 261 of 2012 extends this management authority
- 2012 - Interim Report to the Legislature on ground and surface water resources in the state

Our Partners

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- 4 Federal Agencies
- 8 State Agencies
- 2 Groundwater Conservation Districts
- More than 700 local entities—watershed, reservoir, water conservation, and sewerage districts; lake and waterway commissions; waterworks and recreational boards, etc.

Our Achievements

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- Thanks to your efforts:
 - More than 5000 new well installation notices since 2008; more than 180,000 well registrations on file; aggressive evaluation and auditing system in place
 - Agreement in place b/t DNR and USGS for 3-year statewide aquifer monitoring program (more monitoring wells than anytime since 1980s)
 - This is the 14th Commission meeting since Oct. 2008; in Baton Rouge, Minden, Ruston, Eunice, Mandeville, Alexandria, Crowley, Shreveport
 - Comprehensive Interim Report delivered to Legislature, March 2012
 - Act 471 of 2012 – Creation of Water Resources Commission
 - Expanding educational and public outreach efforts

Act 471 - Expanding the Framework

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- Commission continues to be housed in Office of Conservation, Dept. of Natural Resources
- Ground Water Resources Commission expanded to become Water Resources Commission
- Ground Water Management Advisory Task Force expanded to become Water Management Advisory Task Force
- Expanded scope of authority
- Expanded membership

Original and Expanded Authority

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Original

- Approve rules and regulations promulgated by special water conservation districts
- Review contingency plans developed by the Commissioner of Conservation in response to ground water emergencies
- Direct the Commissioner of Conservation to promulgate rules and regulations for the appointment or designation of up to five regional water resource management bodies
- Receive reports and submissions from water management bodies

Expanded

- Evaluate the state's surface water resources including current and projected demands
- Inventory the state's surface water supplies and identify technical research and previously developed information
- Identify potential future deficit areas; study alternatives to surface water use including treatment, transmission systems, and reclamation
- Investigate incentives for conservation and the use of alternative technologies, including public education and conservation programs.

Expanded Commission Membership

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Ex-Officio

- Executive Director of the Sabine River Authority, or designee
- Executive Director of the La. Public Service Commission

Governor's Appointees

- Appointee from a list of three (3) nominations submitted by the ***Ports Association of La.***
- Appointee from a list of three (3) nominations submitted by the ***La. River Pilots' Association.***
- A practicing Louisiana lawyer with legal expertise in water law appointed from a list of four (4) nominations submitted jointly by the chancellor of the ***La. State Univ. Law Center***, the dean of the ***Loyola Univ.-New Orleans College of Law***, the chancellor of the ***Southern Univ. Law Center***, and the dean of the ***Tulane Univ. Law School***

Legislative Appointees

- Appointee by the chairman of the House Natural Resources and Environment Committee who will represent residential consumers
- Appointee by the chairman of the Senate Natural Resources Committee who will represent residential consumers

Non-Voting Membership

- Chair of the House Committee on Natural Resources and Environment, or designee
- Chair of the Senate Committee on Natural Resources, or designee

(Not to be counted as part of total membership to determine a quorum, but can be counted as members for establishing a quorum at a particular meeting)

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La.'s Water Management Framework

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- **Office of Conservation/Dept. of Natural Resources**
 - Groundwater sustainability (education, enforcement, emergency declarations); E&P waste management; injection and mining control
- **Dept. of Environmental Quality**
 - Wellhead protection, compliance, education, monitoring of ground and surface water, remediation and mitigation
- **Coastal Protection and Restoration Authority**
 - Hurricane protection, coastal restoration and stabilization, mitigation, management
- **Office of Public Health/Dept. of Health and Hospitals**
 - Center for Environmental Health (Safe Drinking Water program, public supply, sewerage, waste system certification, beach monitoring, bottled water manufacture, etc.); Center for Preventive and Community Health (laboratory testing, health advisories, public risk assessment, etc.)
- **Dept. of Transportation and Development**
 - Statewide Flood Control Program
- **Dept. of Wildlife & Fisheries**
 - Office of Fisheries (resource management); Office of Wildlife (WMAs, Scenic Rivers program, etc.)
- **Dept. of Agriculture & Forestry**
 - Office of Agricultural & Environmental Sciences (pesticides, surface water); Office of Soil & Water Conservation (watershed management, flood control, water conservation and quality protection, irrigation, etc.)

The Expanding Legal Environment

- **Recent Attorney General Rulings**

- 2008 (08-0176) - There is no right to private ownership of running waters in La.
- 2009 (09-0028) - Lake water considered to be “running water,” is owned by the State
- 2009 (09-0066) - Any sales of water must be for fair market value
- 2009 (09-0291) - Political subdivisions of the State may only sell running water with specific legislative authority
- 2010 (10-0173) - A riparian owner may access and “use” running water for his estate, but the water remains a public thing owned by the State
- 2010 (10-0289) - Statutory language that authorizes a political subdivision to “regulate the use of water” does not grant right with regards to selling the water at issue
- 2010 (10-0297) - Sabine River Authority has special statutory exemption from the limitations set in Opinion 10-0173

Interim Report – History & Process

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- House Concurrent Resolution 1 of 2010 – instructs Ground Water Resources Commission to report on ground and surface water resources and make management recommendations
- Interviews with Commission members in March and May 2010
- 2 public workshops held in September 2010
- Public comments accepted by regular mail and through electronic means
- Draft report ready in October 2011
- Public meetings held in Ruston, Alexandria, Crowley, Shreveport, and Baton Rouge through November
- Near final draft released in December 2011
- 2-day public meeting held in January 2012 to take further comments
- Final report delivered to Legislature in March 2012

Current Major Issues

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- Inadequate Monitoring Network
- Coastal Restoration and Saltwater Intrusion
- Sparta Aquifer System Areas of GW Concern
- Saltwater Encroachment in Capital Area Aquifers
- High Water Use in SW Louisiana
- Southern Caddo Parish Temporary GW Emergency
- Toledo Bend Reservoir
- Surface Water Withdrawal Management
- Energy Exploration / Emerging Technologies
- Surface Water Quality Management
- Safe Drinking Water Supply
- Water Conservation / Public Outreach
- Other Aquifer by Aquifer Known or Potential Sustainability Impacts

Resource Sustainability Mgt. Recommendations

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- Monitoring (Resource Metrics)
- Auditing (Regulatory Compliance and Program Effectiveness)
- Education (Resource Conservation and Regulatory Compliance)
- Registration (Water Well Driller & Owner/User Responsibilities)
- Evaluation (Assessing Resource Sustainability)

Sustainability Mgt. Recommendations, contd.

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- Incentives (Resource Conservation)
- Enforcement (Regulatory Compliance)
- Emergencies (Response Coordination)
- Collaboration (Multi-Agency Resource Management)
- Governance

Monitoring

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- DNR/USGS statewide aquifer monitoring network
- Surface water availability gauging network; implementation of sustainability grading and prioritization ranking system
- Groundwater production reporting requirements program for at-risk aquifers

Auditing

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- Water well notification compliance auditing
- Consolidation of existing and future water well registration and notification database information into a unified system (DNR/DOTD)

Education

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- Statewide water education curriculum
- Education partnerships across state govt. and with other interested parties
- Establishment through local govt. of water education and conservation outreach programs in at-risk areas
- Development of parish-level contacts for water education and conservation efforts
- “Water-Wise in BR” public awareness campaign

Registration

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- Amendment of regulations regarding new water well notification and registration
- Integration of water well driller registration and well owner notification databases into a unified system
- Development of new ideas and/or efforts to encourage well owner registration

Evaluation

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- Updating water well notification evaluation procedure to document drawdown assessments in critical areas
- Revision of water well notification form
- Improve and increase use of USGS observation wells and other groundwater level/quality data through DNR SONRIS and GIS systems

Incentives

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- Investigation of feasible and effective means of incentives, including conservation stewardship recognition
- Evaluation of capital outlay policies to promote use of alternative sources in at-risk areas
- Evaluation of participatory requirements in Community Water Enrichment Fund program
- Evaluation of tax credit and abatement policy to general conservation, use of alternative sources, etc.
- Evaluation of fiscal policy in rewarding switch to surface water by high-volume groundwater users

Enforcement & Emergencies

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- Progressive enforcement techniques, beneficial environmental projects, mitigation through education
- Groundwater emergencies, GOHSEP, intra-agency cooperation
- Bayou Corne

Collaboration

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- Annual multi-agency stakeholders conference
- Reporting by regional water conservation districts and other water management advisory bodies as needed
- Development of legal research on variety of issues: non-compensated consumption of surface water, out-of-state sales of water resources, etc.

Governance

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- Drafting and implementation of regulations for establishment of regional water management advisory panels
- Affirmative acknowledgement of authority of local govts. to protect by ordinance public groundwater supply wells
- Evaluation of new regulations for improving E&P waste fluids recovery, remediation, recycling, and reuse
- Investigation of new aquifer recharge protective measures
- Extend sunset of Act 955 (cooperative endeavor agreements on surface water usage)
- Expansion of scope and authority of Ground Water Resources Commission

Legislative Report Update

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Agency Intends to:

- Provide Written Report Update to Legislature by Jan 31, 2013
 - Interim Report Recommendation Status
 - Water Management Accomplishments
 - New and Ongoing Challenges
 - Management Strategy

Water Resource Links

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- **Dept. of Natural Resources Home Page:** <http://dnr.louisiana.gov/>
 - **Ground Water Resources Program:** www.dnr.louisiana.gov/groundwater
 - **Southern Hills Aquifer:** www.dnr.louisiana.gov/southernhills
 - **South Caddo Emergency Orders:** www.dnr.louisiana.gov/southcaddo
 - **Bayou Corne Incident:** <http://dnr.louisiana.gov/bayoucorne>
- **Coastal Management:** www.dnr.louisiana.gov/coastal
- **Groundwater Resources Interim Report to the La. Legislature:** <http://dnr.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=907>
- **For help navigating the DNR website or other water resource links, please contact Christen Willis at (225) 342-5724 or via email at Christen.Willis@la.gov.**

Additional Links

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- **Dept. of Environmental Quality – Surface and Ground Water Assessment and Evaluation:**
<http://www.deq.louisiana.gov/portal/PROGRAMS/Water.aspx>
- **Dept. of Health & Hospitals – Center for Environmental Health, Safe Drinking Water Program:**
<http://www.dhh.louisiana.gov/index.cfm/subhome/22>
- **Dept. of Transportation & Development – Public Works & Water Resources:**
<http://www.dotd.la.gov/sitemap.aspx?id=9>
- **Dept. of Wildlife & Fisheries:** <http://www.wlf.louisiana.gov/>
 - **La. Environmental Education Commission:** <http://www.wlf.louisiana.gov/environmental-education-commission>
 - **Scenic River Program:** <http://www.wlf.louisiana.gov/wildlife/scenic-rivers>
- **Coastal Protection and Restoration Authority:** <http://coastal.louisiana.gov/>
 - **2012 Coastal Master Plan:** <http://coastal.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&nid=150&pnid=0&pid=205&catid=0&elid=0>
- **Dept. of Agriculture & Forestry –**
 - **Office of Agricultural & Environmental Sciences:** <http://www.ldaf.state.la.us/portal/Offices/AgriculturalEnvironmentalSciences/PesticideEnvironmentalPrograms/tabid/118/Default.aspx>
 - **Office of Soil & Water Conservation:** <http://www.ldaf.state.la.us/portal/Offices/SoilWaterConservation/tabid/66/Default.aspx>
- **US Army Corps of Engineers –**
 - **Vicksburg District:** <http://www.mvk.usace.army.mil/>
 - **New Orleans District:** <http://www.mvn.usace.army.mil/>
- **Environmental Protection Agency –**
 - **Groundwater and Drinking Water:** <http://water.epa.gov/drink/>

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