

SENATE CONCURRENT RESOLUTION NO. 39

BY SENATOR MORRISH

A CONCURRENT RESOLUTION

To authorize and provide for a comprehensive study and evaluation of Louisiana's levee districts and other water resource boards.

WHEREAS, the State of Louisiana has been bestowed with abundant water resources that contribute to numerous ecological and economic activities that are critical to the state and the nation, including maritime transportation, agriculture, manufacturing, the import and export of foreign and domestic goods, commercial and recreational fisheries, drinking water, and wildlife nurseries and habitat; and

WHEREAS, this abundance of water can also endanger communities in time of reverine floods, heavy rain events, surges from tropical events or drought conditions; and

WHEREAS, the levee districts in Louisiana have long provided for the protection of the citizens of Louisiana against reverie and tropical event related flood damage; and

WHEREAS, other water resource boards across the state have ensured access to drinking water, access to quality water for agricultural and industrial uses, the safe and efficient draining of storm water runoff, as well as the appropriate conditions for human uses of waterways; and

WHEREAS, Louisiana has experienced significant challenges and changes including the degradation and deterioration of the state's coast, devastating impacts from hurricanes, the construction of a new flood protection infrastructure in Southeast Louisiana, the development of new understandings and scientific data regarding climatic changes and sea-level rise, and the adoption of an integrated system-wide approach to coastal protection and restoration in the Louisiana Comprehensive Master Plan for a Sustainable Coast; and

WHEREAS, water responds to geological, bathymetrical, and hydrological boundaries rather than political boundaries or subdivisions; and

WHEREAS, scientific understandings of hydrology and systemic approaches to water resource management, flood control, and hurricane protection do not align in all cases with the current territorial jurisdictions of Louisiana's existing separate bodies that have evolved over decades based on various different political and geographic parameters, which may include, without limitation, levee districts, drainage districts, conservation districts, and other water resources districts, except for those created by R.S. 38:330.1 et seq., which currently administer the operations and maintenance of levees, flood protection and flood control systems in Louisiana pursuant to Article VI, Sections 38 through 42 of the Constitution of Louisiana and Title 38 of the Louisiana Revised Statutes of 1950; and

WHEREAS, flood control infrastructure must be constructed, operated, and maintained with respect to basin hydrologic conditions and not political subdivisions; and

WHEREAS, future financial needs for the efficient and effective operation and maintenance of existing and still-under-construction flood protection infrastructure systems are not sustainable to the extent levee districts and other water resources management boards in Louisiana are not properly aligned to represent the appropriate geological, bathymetrical, and hydrological systems of Louisiana; and

WHEREAS, throughout the past century, more small scale authorities have been charged with the taxing, operation and maintenance of flood protection, and water resource infrastructure in Louisiana than in other states; and

WHEREAS, the opportunities and risks provided by Louisiana's extensive water resources demand prudent, science-based, stewardship of that resource; and

WHEREAS, the management and regulation of water resources, the protection features provided by hurricane and flood control infrastructure, and the regulatory tasks required for the appropriate conservation, safety, and sustainability of the state's water should be studied on a state-wide basis in order to improve the efficiency and effectiveness of the management of this resource based on consistent, scientifically-based parameters that are inclusive of the needs of communities and ecological habitats within whole hydrologic basins to determine how to better manage water resources in a manner that both recognizes the system-wide features and effects of water resources and corresponding infrastructures within a hydrologic basin and minimizes adverse impacts between communities and habitats

in the same hydrologic basin.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Coastal Protection and Restoration Authority and the Louisiana Department of Transportation and Development to conduct a science-based study, in consultation with existing levee districts, drainage districts, conservation districts, water resources districts, and parish presidents, of the adequacy of the current alignment of all Louisiana levee districts, drainage districts, conservation districts and other water resources districts, except for those created by R.S. 38:330.1 et seq., which currently administer the operations and maintenance of levees, flood protection and flood control systems in Louisiana pursuant to Article VI, Sections 38 through 42 of the Constitution of Louisiana and Title 38 of the Louisiana Revised Statutes of 1950, with respect to the hydrologic basins of the state in order to improve and update the territorial jurisdictions for the various entities responsible for flood protection, storm water management, drainage, and water resource management and to efficiently and effectively meet the needs and safety of Louisiana's citizens for future decades.

BE IT FURTHER RESOLVED that the Department of Natural Resources, the Department of Environmental Quality, the Department of Agriculture and Forestry, the Department of Economic Development, the commissioner of administration, the Governor's Advisory Commission on Coastal Protection, Restoration and Conservation, the commissioner of insurance, the Governor's Office of Coastal Activities, the United States Environmental Protection Agency, the United States Corps of Engineers, the United States Geological Survey, existing levee districts, drainage boards, water resource agencies, and parish governing authorities are each urged and requested to provide comments, cooperation, assistance, and resources to the Coastal Protection and Restoration Authority and the Department of Transportation and Development to aid their efforts in completing this important task.

BE IT FURTHER RESOLVED that the study should:

1. Be based on the latest and most scientifically-reliable available data and technology.
2. Propose appropriate boundary lines for updating the territorial jurisdiction of

levee districts, drainage districts, conservation districts and other water resources districts based on the latest and most scientifically-reliable available data relating to watersheds and the hydrologic basins of the state.

3. Provide an assessment of the existing and planned hurricane, flood protection and drainage infrastructure within each updated district that clearly depicts which communities are protected by that infrastructure given hydrologic conditions.

4. Provide an assessment of which communities are currently providing funding for the operations and maintenance of associated flood protection and drainage infrastructure and which communities are not.

5. Describe a taxing system to provide for the current and future operations and maintenance needs of any proposed updated levee and drainage districts with respect to the current levee and drainage millages in each community.

BE IT FURTHER RESOLVED that the Coastal Protection and Restoration Authority and the Department of Transportation and Development shall submit their final draft of proposed changes to Louisiana's levee districts, drainage districts, conservation districts and other water resources districts by February 1, 2014, together with any specific proposals for legislation.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Coastal Protection and Restoration Authority, Department of Transportation and Development, Department of Natural Resources, Department of Environmental Quality, Department of Agriculture and Forestry, Department of Economic Development, commissioner of administration, Governor's Advisory Commission on Coastal Protection, Restoration and Conservation, commissioner of insurance, Governor's Office of Coastal Activities, United States Environmental Protection Agency, United States Corps of Engineers, United States Geological Survey, existing levee districts, drainage boards, water resource agencies, and parish governing authorities.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES