

2025 Regular Session

SENATE BILL NO. 94

BY SENATOR FESI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WATER/WATERWAYS. Provides for waters of the state. (gov sig)

AN ACT

To amend and reenact R.S. 30:2073(7) and 49:1(A) and 214.23(6), and to enact R.S. 30:2073(10) and 49:1(D) and 214.23(14), relative to waters of the state; to provide for the Gulf of America; to provide for the Louisiana Pollutant Discharge Elimination System; to provide for definitions; to provide for coastal use permits; to provide for exceptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2073(7) is hereby amended and reenacted and R.S. 30:2073(10) is hereby enacted to read as follows:

§2073. Definitions

As used in this Chapter, the following terms shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

* * *

(7) "Waters of the state" means both the surface and underground waters within the state of Louisiana including all rivers, streams, lakes, groundwaters, and all other water courses and waters within the confines of the state, and all bordering

1 waters and the Gulf of ~~Mexico~~ America. However, for purposes of the Louisiana
2 Pollutant Discharge Elimination System, "waters of the state" means all surface
3 waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf
4 of ~~Mexico~~ America, all surface waters extending therefrom three miles into the Gulf
5 of ~~Mexico~~ America. For purposes of the Louisiana Pollutant Discharge Elimination
6 System, this includes all surface waters which are subject to the ebb and flow of the
7 tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats,
8 wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds,
9 impoundments of waters within the state of Louisiana otherwise defined as "waters
10 of the United States" in 40 CFR ~~122.2~~ 120.2 and bearing a continuous surface
11 connection to such waters, and tributaries of all such waters. "Waters of the state"
12 does not include waste treatment systems, including treatment ponds or lagoons
13 designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251 et seq.

14 * * *

15 (10) "Continuous surface connection" means an interface between
16 adjacent or adjoining water bodies in which there is no clear line of
17 demarcation indicating where one water body ends and another water body
18 begins. This definition shall not be construed to have any effect on the
19 ownership of lands or water bottoms in this state, nor any perceived access to
20 private lands or water bottoms due to a continuous surface connection.

21 * * *

22 Section 2. R.S. 49:1(A) and 214.23(6) are hereby amended and reenacted and R.S.
23 49:1(D) and 214.23(14) are hereby enacted to read as follows:

24 §1. Gulfward boundary

25 A. The historic gulfward boundary of the state of Louisiana extends a
26 distance into the Gulf of ~~Mexico~~ America three marine leagues from the coastline.
27 For the purposes of this Part, "three marine leagues" is equal to nine geographic
28 miles or 10.357 statute miles.

29 * * *

D. Any reference in the codified or uncoded laws of this state to the "Gulf of Mexico" shall be deemed to refer to the "Gulf of America", as designated by the United States Board on Geographic Names. This Subsection shall apply to all existing statutes, regulations, administrative rules, contracts, and other legal instruments, and shall be given full force and effect in all official state documents and proceedings.

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§214.23. Definitions

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(6) "Fastlands" are lands, including areas that would otherwise be considered wetlands as defined in 33 CFR 328.3 and 40 CFR 120.2, that are surrounded by ~~publicly owned, maintained, or otherwise~~ validly existing levees, berms, flood protection structures, or natural formations, whether privately or publicly owned or maintained, as of the effective date of this Subpart or as may be lawfully constructed in the future, which levees, berms, flood protection structures, or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having a continuous surface connection to waters of the United States or direct and significant impacts on coastal waters.

* * *

(14) "Continuous surface connection" shall mean the same as provided in R.S. 30:2073(10).

Section 3. The Louisiana Law Institute is hereby directed to change all references to the "Gulf of Mexico" to the "Gulf of America" throughout the Louisiana Revised Statutes of 1950 and all codified law of this state.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 94 Engrossed

2025 Regular Session

Fesi

Present law defines jurisdictional "waters of the state" as surface waters subject to tides, lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state otherwise defined as "waters of the United States" in federal law, and their tributaries.

Proposed law retains present law and requires that impoundments that are otherwise defined as waters of the United States in federal law must bear a continuous surface connection to waters of the state to also be jurisdictional waters of the state. Further defines "continuous surface connection" as an interface between water bodies that shows no clear line of demarcation between the end of one body and the beginning of another. Continuous surface connection has no effect on ownership of land or water bottoms.

Present law defines "fastlands" as lands surrounded by publicly owned, maintained, or otherwise validly existing levees or natural formations which prevent activities, other than pumping of water for drainage, within the surrounded area from having direct and significant impacts on coastal waters.

Proposed law retains present law and adds that fastlands includes areas that would otherwise be considered wetlands as defined in federal law, and that are surrounded by either privately or publicly owned or maintained levees, berms, flood protection structures, or natural formations that prevent a continuous surface connection to waters of the United States.

Present law refers to the body of water bordering Louisiana's coastline as the "Gulf of Mexico".

Proposed law changes the name of the water body to "Gulf of America".

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 30:2073(7) and 49:1(A) and 214.23(6); adds R.S. 30:2073(10) and 49:1(D) and 214.23(14))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Natural Resources to the original bill

1. Provides that the definition of "continuous surface connection" shall not be construed to affect ownership of lands or water bottoms.