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Regular Session, 2012

HOUSE CONCURRENT RESOLUTION NO. 123

BY REPRESENTATIVE THIBAUT

A CONCURRENT RESOLUTION

To establish the False River Watershed Council and to provide for its membership and responsibilities.

WHEREAS, False River, an oxbow lake formed from a bend in the Mississippi River, is located in Pointe Coupee Parish; and

WHEREAS, False River, a lake well known for its natural scenic beauty and for the fact that it is an important natural resource that supports an abundance of recreational activities, including fishing, swimming, waterskiing, boating, birding, and waterfowl hunting; and

WHEREAS, these scenic and recreational opportunities are critical components necessary to the economic well-being of the region surrounding the lake and, indeed, to the state as a whole; and

WHEREAS, Article IX, Section 1 of the Constitution of Louisiana declares that the "natural resources of the state, including … water … shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people. The Legislature shall enact laws to implement this policy"; and

WHEREAS, the aquatic habitat of False River has been in a state of decline due to a variety of causes, including increased runoff from the development of the surrounding land, shoreline modifications and development, and the sediment and nutrient content of runoff from agricultural development, runoff that at its peak resulted in tens of thousand tons of silt being deposited annually into the lake; and

WHEREAS, these causes have negatively impacted and may continue to threaten and degrade the value of the lake as a valuable resource for wildlife habitat and as a source of economic activity that stimulates the surrounding area and should allow for the increased enjoyment of the lake; and

WHEREAS, in an effort to address these issues, in 2001, the United States Army Corps of Engineers began the "False River Aquatic Resources Ecosystem Restoration Project" which ". . . would enhance and restore the False River ecosystem by enhancing fisheries and wildlife habitat, addressing sedimentation and associated water quality issues in False River. . ."; and

WHEREAS, although it began in 2001 with an allocation of ten thousand dollars which resulted in the Project Restoration Plan being completed and submitted to the Corps' Mississippi Valley Division for approval in August 2002, the required preliminary ecosystem study by the Corps went unfunded from 2003 through 2009 and therefore is currently stalled; and

WHEREAS, the Corps in 2011, announced that they had been notified in December 2010, of an allocation of four hundred thousand dollars for the project, an amount that represents the total sum necessary to complete only the preliminary ecosystem study for the False River Ecosystem Restoration Project; and

WHEREAS, although the Corps had announced that they were on schedule to release the final report in February 2012, a deadline that has passed with no report and, for lack of any further funding, the Corps has once again postponed the release of the results of the Project Restoration Plan; and

WHEREAS, any further action by the Corps will necessitate adequate funding to complete the study and implement the remedial action but, at the current time, there is no indication of when that funding might be forthcoming and available for these purposes; and

WHEREAS, the citizens of Louisiana deserve to have a restored and sustainable False River and an essential step in that process is development and agreement on a practicable plan with achievable goals and measurable milestones of achievement for how best to restore and sustain the lake, along with an estimation of cost for those restoration efforts; and

WHEREAS, it is essential to conduct a careful and deliberate scientific study to develop a sound and lasting solution to the deterioration of the quality of the False River watershed, it is also essential that action based on the recommendations developed in this study be implemented as expeditiously as possible in order to preserve, protect, and enhance these resources now and for generations to come; and

WHEREAS, there are several state and local agencies, including the Department of Agriculture and Forestry, the Department of Environmental Quality, the Department of Health and Hospitals, and the Department of Wildlife and Fisheries, with expertise, knowledge, and resources essential to identify and evaluate the problems present in the False River watershed, the Department of Natural Resources and the Pointe Coupee Parish Police Jury have been designated as the local sponsors for the "False River Aquatic Resources Ecosystem Restoration Project"; and

WHEREAS, it is important that the designated local sponsors of the Corps project bring together all the appropriate state and local governments together with all the various stakeholders interested in the restoration of False River to identify the problems, determine solutions, and implement remedies to restore, preserve, and enhance the health and sustainability of the False River watershed; and

WHEREAS, to achieve the goal of a restored False River Watershed as quickly and completely as possible, it is necessary to bring together the various government interests, as well as nongovernmental stakeholder organizations who possess specialized knowledge or whose members represent resource users in the False River watershed.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby create the False River Watershed Council, whose membership shall be as follows:

(1) The commissioner of the Department of Agriculture and Forestry or his designee within the department.

(2) The secretary of the Department of Environmental Quality or his designee within the department.

(3) The secretary of the Department of Health and Hospitals or his designee within the department.

(4) The secretary of the Department of Natural Resources or his designee within the department, who will serve as vice chair of the council.

(5) The secretary of the Department of Wildlife and Fisheries or his designee within the department, whom shall serve as chair of the council.

(6) The state senator from Senate District 17.

(7) The state representative from House District 18.

(8) Two members to be selected by the senator from Senate District 17.

(9) Two members appointed by the representative from House District 18.

(10) Two members appointed by the Pointe Coupee Parish Police Jury.

(11) One member appointed by the Pointe Coupee Parish Sheriff.

(12) One member appointed by the mayor of the city of New Roads.

BE IT FURTHER RESOLVED that the members of the False River Watershed Council shall not be entitled to receive any salary, per diem, expenses, mileage, or other emollients of the office for their service on this commission, outside of any that they may be entitled to by virtue of their service in another public office.

BE IT FURTHER RESOLVED that the council shall, at the proper time, contact the following federal resource agencies to solicit their views and input with respect to completing the study requested by this Resolution:

(1) United States Army Corps of Engineers.

(2) United States Fish and Wildlife Service.

(3) United States Geological Survey.

(4) National Resources Conservation Service.

(5) United States Department of Agriculture.

(6) National Oceanographic and Atmospheric Administration.

(7) United States Environmental Protection Agency.

BE IT FURTHER RESOLVED that the members of the False River Watershed Council shall meet as often as necessary to deliberate and produce a report that will identify, review, and evaluate management strategies to facilitate the goal of improving the aquatic habitat of False River; to provide recommendations for the optimal management and protection of the resources within the False River watershed, including but not limited to the following: the study of impacts and potential impacts to water quality, excess nutrient and sediment run-off management, shoreline modification management, watershed conservation measures, and innovative habitat restoration methodology; coordination of federal, state, and local efforts to improve and protect water quality; surface water resource management and protection policies; recommendations for the optimal management and protection of the natural resources in the False River watershed; identification of various funding options for ongoing maintenance of the False River watershed; recommended changes to current

procedures and practices to make the management and protection of the natural resources in the False River watershed more efficient, comprehensive, and sustainable.

BE IT FURTHER RESOLVED that the report shall be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality no later than May 1, 2013, and that unless the False River Watershed Council is extended by further action of the Louisiana Legislature, it shall cease to exist January 11, 2016.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Pointe Coupee Parish Police Jury, the commissioner of agriculture, the secretary of the Department of Environmental Quality, the secretary of the Department of Health and Hospitals, the secretary of the Department of Natural Resources, and the secretary of the Department of Wildlife and Fisheries.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE