

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)

1 AN ACT

2 To amend and reenact R.S. 30:2073(7) and R.S. 49:1(A) and 214.23(6), and to enact R.S.
3 49.1(D), relative to waters of the state; to provide for the Gulf of America; to provide
4 for the Louisiana Pollutant Discharge Elimination System; to provide for definitions;
5 to provide for coastal use permits; to provide for exceptions; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §2073. Definitions

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

12 * * *

13 (7) "Waters of the state" means both the surface and underground waters
14 within the state of Louisiana including all rivers, streams, lakes, groundwaters, and
15 all other water courses and waters within the confines of the state, and all bordering
16 waters and the Gulf of ~~Mexico~~ **America**. However, for purposes of the Louisiana
17 Pollutant Discharge Elimination System, "waters of the state" means all surface

1 waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf
 2 of ~~Mexico~~ America, all surface waters extending therefrom three miles into the Gulf
 3 of ~~Mexico~~ America. For purposes of the Louisiana Pollutant Discharge Elimination
 4 System, this includes all surface waters which are subject to the ebb and flow of the
 5 tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats,
 6 wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds,
 7 impoundments of waters within the state of Louisiana otherwise defined as "waters
 8 of the United States" in 40 CFR ~~122.2~~ 120.2 and tributaries of all such waters.
 9 "Waters of the state" does not include waste treatment systems, including treatment
 10 ponds or lagoons designed to meet the requirements of the Clean Water Act, 33
 11 U.S.C. 1251 et seq. **"Waters of the state" does not include "fastlands" as defined**
 12 **by R.S. 49:214.23(6), including "wetlands" that are also defined as "fastlands"**
 13 **and do not bear a continuous surface connection to other waters of the United**
 14 **States.**

15 * * *

16 Section 2. R.S. 49:1(A) and 214.23(6) are hereby amended and reenacted and R.S.
 17 49:1(D) is hereby enacted to read as follows:

18 §1. Gulfward boundary

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

23 * * *

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

* * *

§214.23. Definitions

* * *

(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.

* * *

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 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 Reengrossed

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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 maintains present law.

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.

Proposed law provides that waters of the state does not include fastlands as defined in R.S. 49:214.23(6) or wetlands that are fastlands and do not have a 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 R.S. 49:1(A) and 214.23(6); adds R.S. 49:1(D))

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.

Senate Floor Amendments to engrossed bill

1. Adds that "waters of the state" does not include "fastlands" as defined in R.S. 49:214.23(6) or "wetlands" that are "fastlands" and do not have a surface connection to waters of the United States.
2. Removes the definition of "continuous surface connection".
3. Makes technical amendments.