

SENATE BILL NO. 94

BY SENATOR FESI

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

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AN ACT

To amend and reenact R.S. 30:2073(7) and R.S. 49:1(A) and 214.23(6), and to enact R.S. 49.1(D), 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 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 waters and the Gulf of ~~Mexico~~ **America**. However, for purposes of the Louisiana Pollutant Discharge Elimination System, "waters of the state" means all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of ~~Mexico~~ **America**, all surface waters extending therefrom three miles into the Gulf of ~~Mexico~~ **America**. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR ~~122.2~~ **120.2** and tributaries of all such waters.

1 "Waters of the state" does not include waste treatment systems, including treatment
 2 ponds or lagoons designed to meet the requirements of the Clean Water Act, 33
 3 U.S.C. 1251 et seq. **"Waters of the state" does not include "fastlands" as defined**
 4 **by R.S. 49:214.23(6), including "wetlands" that are also defined as "fastlands"**
 5 **and do not bear a continuous surface connection to other waters of the United**
 6 **States. This definition shall not be construed to have any effect on the ownership**
 7 **of lands or water bottoms, whether public or private, in this state nor on any**
 8 **perceived access to private lands or water bottoms due to a continuous surface**
 9 **connection.**

10 * * *

11 Section 2. R.S. 49:1(A) and 214.23(6) are hereby amended and reenacted and R.S.
 12 49:1(D) is hereby enacted to read as follows:

13 §1. Gulfward boundary

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

18 * * *

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

25 * * *

26 §214.23. Definitions

27 * * *

28 (6) "Fastlands" are lands, **including areas that would otherwise be**
 29 **considered wetlands as defined in 33 CFR 328.3 and 40 CFR 120.2, that are**
 30 surrounded by ~~publicly owned, maintained, or otherwise~~ validly existing levees,

1 **berms, flood protection structures,** or natural formations, **whether privately or**
 2 **publicly owned or maintained,** as of the effective date of this Subpart or as may be
 3 lawfully constructed in the future, which levees, **berms, flood protection**
 4 **structures,** or natural formations would normally prevent activities, not to include
 5 the pumping of water for drainage purposes, within the surrounded area from having
 6 **a continuous surface connection to waters of the United States or** direct and
 7 significant impacts on coastal waters.

* * *

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

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

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____