

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

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.

19 * * *

20 Section 2. R.S. 49:1(A) and 214.23(6) are hereby amended and reenacted and R.S.
 21 49:1(D) and 214.23(14) are hereby enacted to read as follows:

22 §1. Gulfward boundary

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

27 * * *

28 D. Any reference in the codified or uncodified laws of this state to the
 29 "Gulf of Mexico" shall be deemed to refer to the "Gulf of America," as

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 Original 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.

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))