

2015 Regular Session

SENATE CONCURRENT RESOLUTION NO. 46

BY SENATOR LONG

WATER QUALITY. Expresses the right of the state of Louisiana to manage its water resources.

1 A CONCURRENT RESOLUTION

2 To express the right of the state of Louisiana to manage its water resources.

3 WHEREAS, the state of Louisiana has historically been charged with overseeing the  
4 stewardship of its natural resources; and

5 WHEREAS, since the passage of Federal Water Pollution Control Act, commonly  
6 referred to as the Clean Water Act, the partnership between federal, state, and local  
7 governments has been an integral part in achieving the goals of providing and maintaining  
8 clean and usable water to citizens and businesses; and

9 WHEREAS, Section 101(g) of the Clean Water Act expressly states that "the  
10 authority of the state to allocate quantities of water within its jurisdiction shall not be  
11 superseded, abrogated, or otherwise impaired by this Act"; and

12 WHEREAS, the U.S. Environmental Protection Agency and U.S. Army Corps of  
13 Engineers have proposed a rule to redefine "waters of the U.S." that could significantly  
14 increase the cost and regulatory requirements for state and local governments and ultimately  
15 the costs for state and local residents and businesses; and

16 WHEREAS, the push to unilaterally broaden the scope of the Clean Water Act and  
17 the federal government's reach into Americans' everyday lives could threaten to undermine  
18 the federal-state partnership and erode Louisiana's authority over its natural resources by

1 granting sweeping new federal jurisdiction to waters never intended for regulation under the  
2 Clean Water Act, including ditches, man-made ponds, flood plains, riparian areas, and  
3 seasonally-wet areas; and

4 WHEREAS, the proposed rule provides almost unlimited federal jurisdiction, impairs  
5 state's rights, contravenes congressional intent, and is not consistent with three rulings by the  
6 United States Supreme Court regarding the limits of federal jurisdiction; and

7 WHEREAS, the proposed rule does not provide an explanation or clear  
8 understanding about how the proposed expansion of Clean Water Act jurisdiction and  
9 transfer of ultimate authority might affect other Clean Water Act programs, state laws and  
10 responsibilities, water rights, and land use; and

11 WHEREAS, this expansion of federal regulatory power also could have serious  
12 consequences for the nation's economy, threaten jobs, invite costly litigation, and  
13 significantly restrict the ability of landowners to make decisions about their property and the  
14 rights of state and local governments to plan for their own development; and

15 WHEREAS, the U.S. Environmental Protection Agency and the U.S. Army Corps  
16 of Engineers have failed to fully consult with Louisiana and other states, thereby  
17 undermining the cooperative federalism intent at the heart of the Clean Water Act; and

18 WHEREAS, as co-regulators of water resources, Louisiana and other states should  
19 be fully consulted and engaged in any process that may affect the management of their  
20 waters.

21 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
22 express its historical and constitutional right to be the ultimate authority to manage the use  
23 and protection of its water.

24 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the  
25 administrator of the U.S. Environmental Protection Agency and the commanding general  
26 and chief of engineers of the U.S. Army Corps of Engineers.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by McHenry Lee.

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