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STATE OF LOUISIANA  
DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF CONSERVATION

WATER RESOURCES COMMISSION  
SEVENTH REGULAR MEETING  
THURSDAY, OCTOBER 1, 2015  
BATON ROUGE, LOUISIANA  
11:00 A.M.

LASALLE BUILDING - 1ST FLOOR  
LABELLE ROOM  
617 NORTH THIRD STREET  
BATON ROUGE, LOUISIANA 70802

REPORTED BY:

LAURA QUINETTE, CCR, RPR

BATON ROUGE COURT REPORTERS, LLC

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APPEARANCES  
COMMISSION MEMBERS IN ATTENDANCE:  
KYLE BALKUM  
LOUISIANA WILDLIFE & FISHERIES  
HONORABLE GLENN BRASSEAU  
MAYOR OF CARENCRO  
LOUISIANA MUNICIPAL ASSOCIATION  
JONATHAN "JAKE" CAUSEY  
LOUISIANA DEPARTMENT OF HEALTH & HOSPITALS  
DAVID D. CULPEPPER  
ENGINEER WITH EXPERTISE IN GROUNDWATER  
RESOURCE MANAGEMENT  
MARK S. DAVIS  
TULANE INSTITUTE ON WATER RESOURCES LAW AND  
POLICY  
PAUL D. FREY  
LOUISIANA LANDOWNERS ASSOCIATION  
JERRY V. GRAVES  
PORTS ASSOCIATION OF LOUISIANA  
CHRISTOPHER P. KNOTTS, PE, FASCE  
LOUISIANA DEPARTMENT OF TRANSPORTATION &  
DEVELOPMENT  
BENJAMIN MALBROUGH  
LOUISIANA RESIDENTIAL CONSUMERS  
JIM PRATT  
THE SABINE RIVER AUTHORITY  
CHARLES SUTCLIFFE  
THE GOVERNOR'S OFFICE OF COASTAL ACTIVITIES  
JIM WELSH  
COMMISSIONER OF CONSERVATION, OFFICE OF  
CONSERVATION  
FRED ZAUNBRECHER  
THE GEOGRAPHICAL AREA OF THE STATE UNDERLAIN  
BY THE CHICOT AQUIFER

1 COMMISSION MEMBERS IN ATTENDANCE (CONTINUED)

2

LINDA ZAUNBRECHER  
LOUISIANA FARM BUREAU

3

4

ALSO PRESENT:

5

GARY SNELLGROVE  
EXECUTIVE DIRECTOR  
ENVIRONMENTAL DIVISION

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MATTHEW REONAS  
EDUCATION AND MARKETING REPRESENTATIVE

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	INDEX	
		PAGE
1		
2		
3	CALL TO ORDER.....	5
4	ROLL CALL.....	5
5	ADOPTION OF THE PREVIOUS MEETING SUMMARY...	9
6	OFFICE OF CONSERVATION STAFF UPDATE:	
7	WRC MEMBERSHIP DUTIES AND	
8	RESPONSIBILITIES; DEFINITIONS	
9	OF SUSTAINABILITY	
10		
11	MATTHEW REONAS	
12	EDUCATION AND MARKETING	
13	REPRESENTATIVE.....	10
14		
15	OVERVIEW AND UPDATE ON THE DEEPWATER	
16	HORIZON OIL SPILL	
17	CHRIS BARNES, GOVERNOR'S OFFICE	
18	OF COASTAL ACTIVITIES.....	23
19		
20	WATER RESOURCES MONITORING: FUNDING	
21	RESOLUTION	
22	MATTHEW REONAS	
23	EDUCATION AND MARKETING	
24	REPRESENTATIVE.....	39
25	STATUS OF LOUISIANA'S SURFACE WATER MANAGEMENT	
	PROGRAM	
	JIM DEVITT AND THOMAS VAN BIERSEL	
	DEPARTMENT OF NATURAL RESOURCES.....	46
	UPDATE ON NAEGLERIA FOWLERI RESPONSE	
	IN PUBLIC WATER SYSTEMS	
	JONATHAN "JAKE" CAUSEY	
	DEPARTMENT OF HEALTH AND HOSPITALS.....	56
	PUBLIC COMMENTS.....	77
	ADJOURN.....	78
	REPORTER CERTIFICATE.....	79

1 MR. REONAS:

2 If you want me to go ahead and call  
3 roll call, I can, and when Jerry comes in, we'll make  
4 a notation of it.

5 MR. BALKUM:

6 Let's do that.

7 MR. REONAS:

8 Mr. Balkum?

9 MR. BALKUM:

10 Present.

11 MR. REONAS:

12 Mr. Brasseaux?

13 MR. BRASSEAUX:

14 Here.

15 MR. REONAS:

16 Mr. Causey?

17 MR. CAUSEY:

18 Present.

19 MR. REONAS:

20 Mr. Cormier?

21 (NO RESPONSE.)

22 MR. REONAS:

23 Mr. Cramond?

24 (NO RESPONSE.)

25 MR. REONAS:

1                   Mr. Culpepper?

2           MR. CULPEPPER:

3                   Here.

4           MR. REONAS:

5                   Mr. Davis?

6           MR. DAVIS:

7                   Here.

8           MR. REONAS:

9                   Mr. Dove?

10                   (NO RESPONSE.)

11           MR. REONAS:

12                   Mr. Duplechin?

13                   (NO RESPONSE.)

14           MR. REONAS:

15                   Mr. Frey?

16           MR. FREY:

17                   Here.

18           MR. REONAS:

19                   Ms. Gautreaux?

20                   (NO RESPONSE.)

21           MR. REONAS:

22                   Ms. Gonzales?

23                   (NO RESPONSE.)

24           MR. REONAS:

25                   Mr. Graves? I will make a note that

1 he is on his way. Mr. Knotts?

2 MR. KNOTTS:

3 Here.

4 MR. REONAS:

5 Mr. Leggett?

6 (NO RESPONSE.)

7 MR. REONAS:

8 Mr. Long?

9 (NO RESPONSE.)

10 MR. REONAS:

11 Mr. Malbrough?

12 MR. MALBROUGH:

13 Here.

14 MR. REONAS:

15 Mr. McNeely?

16 (NO RESPONSE.)

17 MR. REONAS:

18 Ms. Mitchell?

19 (NO RESPONSE.)

20 MR. REONAS:

21 Mr. Morgan?

22 (NO RESPONSE.)

23 MR. REONAS:

24 Mr. Pratt?

25 MR. PRATT:

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Here.

MR. REONAS:  
Mr. Spicer?  
(NO RESPONSE.)

MR. REONAS:  
Mr. Sutcliffe?

MR. SUTCLIFFE:  
Here.

MR. REONAS:  
Mr. Welsh?

MR. WELSH:  
Here.

MR. REONAS:  
Mr. Zaunbrecher?

MR. ZAUNBRECHER:  
Here.

MR. REONAS:  
Mrs. Zaunbrecher?

MRS. ZAUNBRECHER:  
Here.

MR. REONAS:  
So we have 13 right now. We'll need  
14 for a quorum. We can proceed with the meeting,  
but any official action would need to have Mr. Graves  
here, although we have seen him. He is here. So I



1 guess we can go ahead and proceed from that point.

2 MR. BALKUM:

3 We have a new commissioner, Mr. Tony  
4 Duplechin. He wasn't able to join us today. He is  
5 replacing Mr. Eugene Owens who served on this  
6 commission for a number of years. With that, we'll  
7 move to Agenda Item Number 3, Adoption of the  
8 Previous Meeting Summary, and ask the commission  
9 members if they have any added comments, questions  
10 about the previous meeting summary at this time?

11 MR. BRASSEAU:

12 Move to accept.

13 MR. BALKUM:

14 Second?

15 MR. WELSH:

16 I second.

17 MR. BALKUM:

18 Approved. I want to make a quick  
19 comment regarding the public's opportunity to provide  
20 comments during this commission meeting. At the end  
21 of the meeting, you will have that opportunity. The  
22 public will be required to fill out a comment card.  
23 You can get those comment cards outside at the  
24 sign-in table and fill out the card and provide it to  
25 our staff here. At this time, we move to Agenda Item

1 Number 4, the Staff Update from the Office of  
2 Conservation, Mr. Matthew Reonas.

3 MR. REONAS:

4 Thank you, Mr. Chairman. Let me get  
5 the PowerPoint pulled up real quick. First off, I'd  
6 like to thank all the commission members that  
7 submitted feedback to our inquiry about future topics  
8 and studies. We are still receiving comments as of  
9 this morning and we will review those to see how they  
10 can help us shape future commission meetings. Please  
11 consider this as an open and ongoing request. Our  
12 goal, of course, is to keep the commission abreast of  
13 key issues of importance, not only to the commission  
14 members themselves, but also to the state as a whole.  
15 So again, we certainly appreciate the feedback we've  
16 gotten and are requesting more going forward.

17 Slide 2, that's to be my next topic, which  
18 is really an overview or recap of this commission's  
19 duties and responsibilities. I last presented this  
20 overview in December of 2012. And since then, we've  
21 had a large turnover in membership and, of course,  
22 then we try to provide this information to each new  
23 member. We thought it might be worthwhile in this  
24 particular meeting to provide some perspective and  
25 context of the commission as a whole.

1           To start with -- and again, I have copies  
2 of these in your packets if you'd like to follow  
3 along, and, of course, we'll post all these online  
4 after the meeting, probably no later than tomorrow.  
5 To start, it's important to remember that this  
6 commission started off as the Groundwater Resources  
7 Commission. Hence, many of the current  
8 responsibilities of the commission relate to  
9 groundwater management and are therefore intimately  
10 connected to the Office of Conservation Commission,  
11 as I'll discuss in a minute. That's the reason why  
12 the Office of Conservation Commission serves as a  
13 staffing agency for the commission and why you'll see  
14 me in some capacity at most meetings updating you on  
15 all the current groundwater management issues around  
16 the state, including the Capital Area District, all  
17 the areas of concern, South Caddo emergency, water  
18 well registration, awareness and education issues and  
19 so on.

20           So quickly, to kind of go through what  
21 these duties and responsibilities are -- and I'll  
22 kind of provide sort of a recap at the end and talk  
23 about the context. The first responsibility, to  
24 review or approve or reject any Commissioner of  
25 Conservation orders, restrictions on water well

1 placement upon petition by the owner of the affected  
2 well, or any owner which may adversely be impacted by  
3 the well in question. To date, there have been no  
4 petitions by either people seeking to place a well or  
5 by people being adversely impacted by the placement  
6 of wells, and that goes back to the Office of  
7 Conservation's evaluation process. When new well  
8 registrations come in, we evaluate the local impact,  
9 the rate and volume of draw of groundwater, and,  
10 again, try to evaluate how that would impact other  
11 wells that are registered in the area. And, again,  
12 to date, although that authority is in place for the  
13 commission, there have been no petitions to review  
14 and/or reject or approve that have come through our  
15 office and come to the commission.

16 The second point, to "review rules and  
17 regulations proposed by the Commissioner of  
18 Conservation pursuant to the proper administration  
19 and enforcement of Chapter 13-A-1, Water Resources  
20 Management." This is essentially an ongoing process.  
21 As the Commissioner puts new rules and regulations in  
22 place, we'll present those to the commission and the  
23 commission will have an opportunity to review those.

24 The third duty or responsibility is to  
25 "continue the development, in cooperation with the

1 Commissioner of Conservation, of a statewide  
2 groundwater resources management program." And  
3 again, the program as whole is encapsulated within  
4 Chapter 13-A-1, Water Resources Management and  
5 revised statutes. And that program being in place,  
6 again, is one of the reasons we're here at every  
7 meeting providing updates as to what's going on in  
8 terms of groundwater management, and, again, giving  
9 this commission an opportunity to comment, review,  
10 advise on the development of that program going  
11 forward.

12           The last point, in terms of groundwater  
13 management specifically, is to "review the  
14 contingency plan developed by the Commissioner of  
15 Conservation to respond to a groundwater emergency."  
16 There was an emergency plan in place, a contingency  
17 plan in place. It was recently revised and improved  
18 within the past two years or so, I think. We had a  
19 plan in place. We ended up making some revisions to  
20 it and bringing it for the commission, and that  
21 aspect of it has been completed, that duty.

22           The next duties or responsibilities deal  
23 more with surface water management and/or  
24 administrative duties of this commission. The main  
25 responsibility that was added in the reorganization

1 of this commission in 2012 dealt with surface water  
2 management authority. And again, that was put in  
3 place so that this commission could "Evaluate the  
4 state's surface water resources, including current  
5 and projected demands, surface water supplies,  
6 technical research, potential future deficit areas,  
7 alternative use scenarios, incentives, technologies,  
8 public education and conservation programs," a pretty  
9 broad stroke there that gives this commission a lot  
10 of authority to investigate all these different  
11 aspects of surface management.

12           This is something that the Office of  
13 Conservation considers as what we call "emerging  
14 duties or responsibilities." It's something again  
15 that was added in 2012 with the reorganization of  
16 this commission. It's something that we as a staff  
17 are still trying to come to terms with on how to  
18 integrate this responsibility into what previously  
19 had been specifically a groundwater-related  
20 commission. So we try to branch out and bring in  
21 surface water management issues, speakers, research,  
22 the ongoing -- some of the ongoing research projects  
23 we have underway. Within the Office of Conservation  
24 and outside of it, we are really trying to integrate  
25 surface and groundwater resources and think of those

1 as whole. Again, this is an emerging, evolving  
2 process.

3           You know, for us, the Office of  
4 Conservation, our statutory authority is specifically  
5 within the realm of groundwater sustainability.  
6 Although, the Department of Natural Resources does  
7 have an interest in surface water through its surface  
8 water program and Jim Devitt and Thomas Van Biersel  
9 are here today who will present on that a little bit  
10 later, but from a statutory perspective, the Office  
11 of Conservation is involved in groundwater  
12 exclusively and groundwater sustainability, which  
13 I'll talk about in just a few minutes and make that  
14 reference a little more clear.

15           So next, the commission has the authority  
16 or the responsibility to "Direct the Commissioner of  
17 Conservation to promulgate rules and regulations  
18 through the appointment or designation of up to five  
19 regional bodies based on the general location of  
20 major aquifer systems and water sources of the state  
21 and composed of local stakeholders who are  
22 representative of current users." This was an issue  
23 that was reviewed in the past by this commission.  
24 The general gist of the previous commission's  
25 decision has been to hold on this, pending additional

1 studies. And there are current studies underway  
2 right now. There's The Water Institute of the Gulf.  
3 That's a project we're working on right now. David  
4 Borrok over at UL is working and looking at the  
5 Chicot aquifer. So this was an issue that the  
6 commission has sort of put on hold, again, pending  
7 additional study. And I imagine we'll come back to  
8 this at some point once more science is available to  
9 consider what the composition of these regional  
10 bodies would be or whether or not they are in fact  
11 necessary.

12           The last duty or responsibility is to  
13 "attend relevant meetings called by the Commissioner  
14 of Conservation and to meet as a body at least twice  
15 a year." Of course, those are more administrative  
16 issues. So as you can see from this long list,  
17 groundwater management continues to be an important  
18 part of this commission's purview.

19           And, again, this responsibility relates  
20 directly to the enforcement authority of the  
21 Commissioner of Conservation who is, by statute,  
22 "empowered and responsible for the administration of  
23 all matters related to the management of the state's  
24 groundwater resources," and who has "the authority to  
25 make any reasonable rules, regulations and orders



1 that are necessary from time to time in the proper  
2 administration and enforcement" of groundwater  
3 management. These would include -- this list would  
4 include: To do all things necessary to prevent the  
5 waste of water resources; to prevent or alleviate  
6 damaging or potentially damaging salt water movement  
7 or water level decline and loss of sustainability in  
8 the state's aquifers; prevent the subsidence of the  
9 land surface caused by the withdrawal of groundwater;  
10 require registration of all new water wells;  
11 determine areas of groundwater concern and designate  
12 critical areas of groundwater concern; collect data  
13 with respect to water wells and water resources and  
14 continue development of a statewide groundwater  
15 resource management program, again, in coordination  
16 with this commission; and issue compliance orders and  
17 civil penalties. That's a broad authority.

18           Keep in mind that the Commissioner's  
19 authority does have some jurisdictional limits. DEQ,  
20 of course, has some responsibility for water quality  
21 in the state. The Department of Health and Hospitals  
22 have the charge of the state's drinking water program  
23 and so on. So there are some limits to that  
24 authority, which is rather broad. But in the realm  
25 of groundwater sustainability, the Commissioner's

1 authority is very strong and very clear.

2           Which brings me to my next point, which is  
3 this topic which was broached at the last meeting on  
4 the definition of the term "sustainability." As you  
5 know, this is in our statutory -- the Office of  
6 Conservation's statutory authority, Commissioner of  
7 Conservation's statutory authority. It's a tricky  
8 term to define to be sure, but we thought it merited  
9 some review.

10           Your fellow commissioner, Mr. Davis,  
11 Commissioner Davis, he was kind enough to put  
12 together a memorandum that dealt with this issue and  
13 we've included it in your packets today, the  
14 definition of "sustainability," and then provided his  
15 take on the term. And, of course, we went and  
16 scoured a number of additional sources as well to  
17 offer some context.

18           Just straight from Merriam's dictionary,  
19 sustainable means: "1. able to use without being  
20 completely used up or destroyed; 2. involving  
21 methods that do not completely use up or destroy  
22 natural resources; or 3. able to last or continue  
23 for a long time."

24           From the United Nation's Brundtland  
25 Commission, they have a special committee that

1 started in the late '70s or early '80s on sustainable  
2 development. The Brundtland Commission, their  
3 definition in 1983, "sustainable development is  
4 development that meets the needs of the present  
5 without compromising the ability of future  
6 generations to meet their own needs."

7           From the USGS circular from 1999, "In this  
8 report, we define groundwater sustainability as  
9 development and use of groundwater in a manner that  
10 can be maintained for an indefinite time without  
11 causing unacceptable environmental, economic or  
12 social consequences." And I'll come back to some of  
13 these terms here.

14           And from the National Groundwater  
15 Association, 2004 position paper -- it's pretty  
16 blunt -- "There is no universally accepted scientific  
17 definition of groundwater sustainability that is  
18 applicable in all situations. For purposes of this  
19 paper, groundwater sustainability is the development  
20 and use of groundwater to meet both current and  
21 future beneficial purposes without causing  
22 unacceptable consequences."

23           So what you see from these definitions and  
24 what Mark outlined in his memo, is the general  
25 coherent thought about what sustainable and

1 sustainability mean, although the interpretation of  
2 that definition will in fact vary on context. What  
3 is acceptable? What is unacceptable? Will what we  
4 find acceptable today be unacceptable 100 years from  
5 now or 200 years from now? And are the social and  
6 political forces weighing locally today on issues of  
7 sustainability looking at a situation with a sense of  
8 immediacy, that is what's going on right now and how  
9 do we solve the problems of right now or with a  
10 long-term vision? How do we solve today's problems  
11 in light of what the future holds? How do we protect  
12 the needs of future generations?

13           So at present, our Office of Conservation  
14 uses the definitions found in the governing authority  
15 of the Commissioner of Conservation. I'll again  
16 remind you about Chapter 13-A-1, Water Resources  
17 Management, Revised Statute 38:3097.2. And this is  
18 in the revised statutes, so this is the law we're  
19 working from. "Sustainability means the development  
20 and use of groundwater in a manner that can be  
21 maintained for the present and future time without  
22 causing unacceptable environmental, economic, social,  
23 or health consequences." So again, that key term of  
24 "unacceptable," and looking at it from a perspective  
25 of time, not only the present, but the future as

1 well. And that is coupled with the definition that  
2 we used and is in the declaration, or the  
3 Commissioner would use in the declaration of areas of  
4 groundwater concern, which "shall mean an area in  
5 which, under current usage and normal environmental  
6 conditions, sustainability of an aquifer is not being  
7 maintained due to either movement of the saltwater  
8 front, water level decline, or subsidence, resulting  
9 in unacceptable environmental, economic, social, or  
10 health impact, or causing serious adverse impact to  
11 an aquifer."

12           So again, even within the state statutes,  
13 you encounter these same issues with acceptable versus  
14 unacceptable. But this is a definition we use, the  
15 Office of Conservation, providing management  
16 oversight to the different problem areas around the  
17 state, the Capital Area District, which we're tasked  
18 by statute -- working in conjunction with the Capital  
19 Area Commission. The issues here in the Baton Rouge  
20 area are overuse and saltwater encroachment. The  
21 Sparta areas of concern in North Central Louisiana,  
22 again, overuse issues and, of course, elsewhere  
23 around the state.

24           Keeping that in mind, again, one of the  
25 duties of this commission is to work with the Office

1 of Conservation and the Commissioner of Conservation  
2 on the development of a groundwater management plan.  
3 So with this in mind, I would like to submit that  
4 these legal definitions from the state, already in  
5 the statutes, should be the guiding principles for  
6 this commission in addressing concepts of  
7 sustainability. And on that note, I close, and we  
8 can take any comments or questions.

9 MR. BALKUM:

10 Any questions.

11 (NO RESPONSE.)

12 MR. BALKUM:

13 Matt, I think that it's worth  
14 mentioning that our definition and statute falls  
15 closely, not exactly, with the USGS circuit  
16 definition.

17 MR. REONAS:

18 Mr. Chairman, I would like to make a  
19 note that just from an administrative point of view  
20 for the commission, Mr. Graves is here and present,  
21 so we do have a quorum. I'm not sure if we need to  
22 go back to the previous meeting summary and make  
23 that -- I guess we do to make that official. I mean,  
24 there was a motion and a second, and I think that  
25 approval was unanimous.

1 MR. GRAVES:

2 My apologies. I had to step out and  
3 feed my traffic meter.

4 MR. REONAS:

5 That's okay.

6 MR. CAUSEY:

7 Why don't we take another vote on it.

8 MR. BALKUM:

9 Okay. We'll take another vote on the  
10 adoption from the previous meeting summary from  
11 August. Again, motion to approve.

12 MR. BRASSEAU:

13 I approve.

14 MR. WELSH:

15 I second.

16 MR. BALKUM:

17 It's approved. I think we're moving  
18 on to our fifth agenda item. Ms. Barnes, can you  
19 give us an overview and update on the Deepwater  
20 Horizon Oil Spill?

21 MS. BARNES:

22 Thank you very much for having me.  
23 My name is Chris Barnes and I work in the Governor's  
24 Office for Coastal Activities, and I'm a legal  
25 advisor in that office. So my boss, Chip Kline, is

1 the Governor's executive assistant for coastal  
2 activities as well as the chairman of the state  
3 Coastal Protection and Restoration Authority board.  
4 So in that capacity, he is the Governor's designee to  
5 the RESTORE council, which folds right into my  
6 presentation today.

7 I will be discussing sort of a broad  
8 overview of the Deepwater Horizon Oil Spill and the  
9 processes associated with recovery from that spill,  
10 and then I'm just going to get into a more detailed  
11 discussion of some updates with respect to the  
12 RESTORE Act.

13 All right. So there are four primary  
14 funding processes related to the oil spill recovery  
15 effort. The first is economic damages. And  
16 according to the BP Agreement in Principle, there  
17 will be a billion dollars in economic damages that  
18 will come to the state of Louisiana.

19 Now, according to state statutes, those  
20 funds will go to the Deepwater Horizon Economic  
21 Damages Collection Fund where they will be  
22 distributed at 45 percent to the Budget Stabilization  
23 Fund, 45 percent to the Medicaid Trust Fund, and  
24 10 percent to the Health Trust Fund. So I will not  
25 discuss those funds in great detail today. I just



1 wanted to give you visibility on those.

2           There is also the criminal penalties, which  
3 are dedicated to the National Fish & Wildlife  
4 Foundation to distribute to the state according to  
5 the criminal plea agreement. And then the Natural  
6 Resource Damage Assessment, which is designed to pay  
7 for the cost of restoring natural resources damaged  
8 by the oil spill.

9           And I'm sure you've seen the headlines that  
10 the state is anticipating to receive approximately  
11 five billion dollars from the Natural Resource Damage  
12 Assessment, and I failed to mention approximately  
13 1.272 billion dollars for the criminal penalties.

14           Then there are the discharge penalties  
15 under the Clean Water Act. And the Clean Water Act  
16 was amended by the RESTORE Act, which dedicates 80  
17 percent of the Clean Water Act civil and  
18 administrative penalties in the Deepwater Horizon Oil  
19 Spill to the Gulf Coast Restoration Trust Fund. And  
20 the state is estimated to receive approximately  
21 787 million dollars from the BP settlement through  
22 the RESTORE Act. And I'll speak about that more in  
23 just a few minutes.

24           I do want to say that the RESTORE Act was  
25 designed to be a regional approach through restoring

1 the long-term health of the valuable natural  
2 ecosystems and economy of the Gulf Coast region.

3           And on the next slide right there, the  
4 criminal penalties for work in Louisiana, again, are  
5 approximately 1.272 billion dollars and are  
6 administered by the National Fish & Wildlife  
7 Foundation, which is a congressionally chartered,  
8 independent, non-profit organization. And the  
9 proposals for NFWF projects are required to be  
10 approved by the CPRA Board and the NFWF Board. And  
11 these funds can only be used for barrier island  
12 restoration and river diversion projects. So they're  
13 very limited in use.

14           The approved expenditures under NFWF, we  
15 have three of them for barrier island:  
16 Caminada Increment II, 3 million dollars for  
17 engineering and design; East Timalier, 6 million  
18 dollars for engineering and design; Caminada  
19 Increment II, 155 million dollars for construction,  
20 as well as several projects under the river  
21 diversions component via the Atchafalaya River for  
22 planning, 4.9 million dollars; and the Mississippi  
23 River diversion for engineering and design, 40.4  
24 million and 13.6 million dollars.

25           The next slide is discussing the Natural

1 Resource Damages. Again, the state is anticipating  
2 to receive approximately 5 billion dollars or more  
3 from this process. So the Natural Resource Damage  
4 Assessment is a process established by the Oil  
5 Pollution Act for damages to natural resources. And  
6 there's three steps in the process to assess the  
7 damages, the natural resources resulting from the  
8 spill.

9           The first is that the Natural Resource  
10 Trustees have to solicit participation from the  
11 responsible parties and design a restoration plan.  
12 The second step is the plan is paid for by  
13 responsible parties implemented, and if the  
14 responsible parties cannot reach an agreement with  
15 the Natural Resource Trustees, the Trustees can then  
16 sue the responsible party for those damages under  
17 OPA.

18           So in terms of the payments received under  
19 the Natural Resource Damages process, the early  
20 restoration, which represented a 1 billion dollar  
21 downpayment that BP provided early on in this  
22 process, the state has received 368 million dollars  
23 from that 1 billion dollar downpayment. Under the  
24 Agreement in Principle of BP, the additional payments  
25 will be paid out in 15 installments over the next 16

1 years. The first payment will be received into a  
2 federal account one year after the entry of the  
3 consent decree. And due to previous criminal  
4 settlement verdicts, the second payment will be a  
5 half payment -- so they will not be all equal  
6 payments -- and a full payment towards Louisiana  
7 allocation expected to be approximately 319 million  
8 dollars per year.

9 Then the next slide represents the process  
10 that we're going through now, which is that the draft  
11 program payment assessment and restoration plan is  
12 being drafted and will be put out for public comment  
13 fairly soon. There will not be projects on it as it  
14 is a programmatic assessment. The public comment  
15 period should run approximately 60 days and the  
16 Trustees then have an obligation to review and  
17 address all of the public comments and present a  
18 consent decree to the judge. And that presentation  
19 of the consent decree is anticipated early 2016. And  
20 then the first payment will be one year after the  
21 final consent decree, so approximately sometime in  
22 2017, perhaps early 2017.

23 And then this slide shows a chart that many  
24 of you may be familiar with relating to the RESTORE  
25 Act. But by way of some background, if you're not

1 familiar with the RESTORE act when it was passed,  
2 there were various opinions for how this money should  
3 be used. Some people said it should be split equally  
4 among the five Gulf Coast states that were impacted;  
5 some said it should go to the Gulf Coast Ecosystem  
6 Recreation Council for large-scale ecosystem  
7 restoration; others said it should be impact based  
8 and divided amongst the states based on their  
9 injuries from the spill; some other people said,  
10 look, we need to also think about monitoring  
11 technology that's Gulf wide; and then others said we  
12 need the states to work on their nongovernmental  
13 organizations to develop their science in natural  
14 resources.

15 So basically, this act does all of those  
16 things, and these are the five comments in the act  
17 represented on this chart. So 35 percent is equally  
18 distributed amongst the Gulf Coast states, 30 percent  
19 goes to the Council for Ecosystem Restoration;  
20 another 30 percent is impact based and is distributed  
21 amongst the five Gulf Coast states based on their  
22 impact from the spill; and then 2 1/2 percent goes to  
23 NOAA for their NOAA science program; and the  
24 remaining 2 1/2 percent goes to each of the five Gulf  
25 Coast states in equal shares for their centers of

1 excellence.

2           And right now there is approximately  
3 800 million dollars in the trust fund. And this is  
4 from the 1 billion dollar transition settlement. So  
5 that is the money that we currently have available.  
6 If the BP Agreement in Principle holds for  
7 5.5 billion dollars, 80 percent of that will go into  
8 the trust fund, or 4.4 billion dollars, meaning the  
9 total amount for the RESTORE Act Trust Fund could be  
10 5.2 billion dollars in total. And that will be paid  
11 out also, similar to the NOAA payments, 15  
12 installments over the next 16 years, approximately  
13 379 million dollars a year, with year two  
14 representing a smaller amount of 189 million dollars  
15 due to the previously existing criminal penalties  
16 that they have to pay.

17           All right. So I talked a bit about each of  
18 those five components briefly. The first, again, is  
19 a direct component, also known as Bucket 1, and this  
20 is the largest funding component that provides  
21 35 percent of the money in the trust fund be  
22 distributed equally among the five Gulf Coast states.  
23 So each state would receive 56 million dollars in the  
24 transition fund, and then an additional 308 million  
25 dollars in the BP fund. Now, the state of

1 Louisiana's direct component is divided.  
2 Seventy percent goes directly to the CPRA Board and  
3 30 percent is given to the coastal parishes.

4           So the state currently has 39.2 million  
5 dollars available out of the direct component. Now,  
6 the direct component also requires an approved  
7 multi-year implementation plan before you can  
8 actually request funding for projects. And so the  
9 CPRA Board has approved the state's first multi-year  
10 implementation plan. And on September 21st, the  
11 U.S. Department of Treasury approved Louisiana's  
12 multi-year implementation plan. We were the first  
13 state to get their multi-year implementation plan  
14 approved by the Treasury. That's wonderful news. So  
15 the state may now apply for grants from the Treasury  
16 for those projects and programs referenced in the  
17 multi-implementation plan.

18           And we have four projects and programs in  
19 our plan: The Houma Navigation Canal Lock for  
20 engineering and design, for 16 million dollars; the  
21 Calcasieu Ship Channel Salinity Control Measures  
22 project for engineering and design. That's  
23 16 million dollars as well. And those two projects  
24 are projects designed to restore the historic regime  
25 in the areas in which they are going to be

1 constructed and save thousands of acres of marsh and  
2 degradation, approximately 25,000 acres.

3           Then there's also the Adaptive Management  
4 project, which is a strategy to streamline  
5 implementation of the coastal master plan and  
6 increase data collection and systemwide monitoring.

7           There's also parish matching, which  
8 provides 10 percent of the funds in the direct  
9 component that the state receives that can be  
10 allocated to the parishes through the matching  
11 programs. Parishes are not required to use direct  
12 component funds for matching from the  
13 multi-implementation plan project, but the goal is to  
14 incentivize that they use master plan projects with  
15 their direct component dollars or projects that are  
16 consistent with or complimentary to the master plan.

17           And on the next slide, this is Bucket 2, or  
18 the council selected restoration component which  
19 provides 30 percent of the funds in the RESTORE Trust  
20 Fund go to the council for comprehensive, large-scale  
21 ecosystem restoration in the Gulf. There are 11  
22 council members on the RESTORE council, five Gulf  
23 Coast states plus six federal agencies. Five of the  
24 federal agencies along with five states are eligible  
25 to submit projects for funding under the funding



1 component. So that's a total of ten members that can  
2 submit requests for funding under the council  
3 selected restoration component, and approximately  
4 240 million dollars are available now in the funding  
5 component along with an additional 1.32 billion  
6 dollars if the BP Agreement in Principal remains, and  
7 then that would be a total of about 1.56 billion  
8 dollars in the funding components after the BP  
9 consent decree is released. And this requires an  
10 approved funding priorities list. The funding  
11 priorities list has already been put out for public  
12 comments, and that period has now closed. And the  
13 projects will be submitted to the RESTORE council  
14 rather than the U.S. Department of Treasury.

15           The state of Louisiana had five projects  
16 that it submitted that were on the FPL. So all of  
17 the projects that the state submitted are on this  
18 initial funding priorities list for the council and  
19 this includes: West Grand Terre Beach for  
20 engineering and design, 7.2 million dollars; the  
21 Maurepas River Reintroduction project for engineering  
22 and design, 14.2 million dollars; Biloxi Marsh Living  
23 Shoreline for engineering and design, 2.2 million  
24 dollars; Gold Triangle Marsh Creation for engineering  
25 and design, 4.3 million; and the Lower Most

1 Mississippi River Management project for 9.3 million  
2 dollars.

3           On the next slide there were also two  
4 federal council members that submitted projects that  
5 will directly benefit the state and those are also on  
6 the funding priorities list and include the  
7 Jean Lafitte Canal Backfilling project from the  
8 Department of Interior, 8.7 million dollars and the  
9 Bayou Dularge Rivers, Marsh and Hydrologic  
10 Restoration project from the USDA, and also  
11 Chitimacha tribal proposals for 5.1 million dollars.

12           Now, the next step is the RESTORE council  
13 is required to update their comprehensive plan every  
14 five years. So the next comprehensive plan is due in  
15 2017 and we anticipate the next degradation will  
16 include significantly larger projects and programs.

17           And then moving to Bucket 3, this is the  
18 third largest funding component in the RESTORE Act,  
19 and this provides 30 percent of the money in the  
20 trust fund will be divided amongst the five  
21 Gulf Coast states based on the formula established by  
22 the council by regulation. So right now there is  
23 approximately 83 million dollars, it looks like, that  
24 Louisiana will get under the transition fund, under  
25 the regulation that has been published by the council

1 earlier this week. With the BP funds, it will be an  
2 additional fund of 56.6 million dollars for a total  
3 of 539.6 million dollars for the state of Louisiana  
4 under this funding component.

5 So the council regulations are out, as I've  
6 mentioned, for public comment with this formula that  
7 they've established. So October 29th, if you'd like  
8 to take a look at it, you can find it on the  
9 council's website at [restorethegulf.gov](http://restorethegulf.gov), and submit  
10 your public comments. These funds will be directed  
11 by the CPRA Board and they require an approved state  
12 plans, and once the plans are approved, project plans  
13 can then be submitted to RESTORE council. There are  
14 no funds that are actually available at this point in  
15 time for the state to request and they will not be  
16 final -- those funds will not be available until the  
17 regulation is completed and until the consent decree  
18 is finalized.

19 And then the next slide discusses Bucket 4,  
20 which is 2 1/2 percent that goes to the NOAA Science  
21 Program and the allocations that will be available,  
22 the transition funds that we currently have and the  
23 anticipated BP funds. And this second component is  
24 designed to carry out research, observations,  
25 monitoring to support the maximum to the extent

1 practicable, the long-term sustainability of the  
2 ecosystem, fish habitat and recreational and  
3 commercial and charter fishing industry in the Gulf.  
4 And grants will be issued to NOAA.

5           And then the final component is for the  
6 Centers of Excellence, and those are the allocations  
7 identical to the NOAA Science Program, 2 1/2 percent,  
8 and these require establishment of state procedures  
9 for handling the grant, which the state has done.

10 Grants can be issued to the CPRA Board and the Water  
11 Institute of the Gulf, which was selected through the  
12 RFP process to serve as Louisiana's Center of  
13 Excellence.

14           And then on the next slide, this is just a  
15 map showing the RESTORE project that I discussed and  
16 where the state is targeting those projects for  
17 funding under RESTORE, those that are approved being  
18 considered and pending. And that's just sort of a  
19 broad scale picture.

20           And then the next slide shows all of the  
21 projects by funding including NRDA, NFWF and RESTORE,  
22 just to kind of show you all of the different areas  
23 that will receive benefits from one or several of the  
24 funding processes that I've discussed.

25           And I know that lots of information on that

1 slide, but on the next slide there is some contact  
2 information for those of us in my office who you can  
3 contact if you have more questions about RESTORE:  
4 Meg Bankston, myself, and Vasillo Manthos, who is  
5 another attorney in our office who also works on  
6 RESTORE. So thank you very much for your time. I'm  
7 happy to answer any questions that you may have.

8 MR. FREY:

9 I'll talk loud. If my understanding  
10 is correct, the formula that you mentioned -- what  
11 was that -- the 40 percent, based on that, only  
12 applies to Bucket 3?

13 MS. BARNES:

14 So there is -- yes. The formula with  
15 regulations out now is for Bucket 3, but there is a  
16 formula that looks similar to that for the parish  
17 allocations under Bucket 1.

18 MR. FREY:

19 Well, you said equally distributed  
20 among the states. It's obvious that Louisiana  
21 experienced the biggest impact, and the formula would  
22 apply and would allow us to get more funds. And I  
23 know y'all have looked at that. I talked to Chip  
24 about this. You know, it seemed only fair, but, then  
25 again, you know --

1 MS. BARNES:

2 That's right. So one funding  
3 component is distributed equally among the five Gulf  
4 Coast states and then just the impact component,  
5 which is distributed according to the formula  
6 established by the council of regulations. And so  
7 some definitely don't think that Bucket 1, equal  
8 application is fair to Louisiana. Does that --

9 MR. FREY:

10 So the train has left the station on  
11 that one?

12 MS. BARNES:

13 Uh-huh. It has. But there are still  
14 comments available for Bucket 3 if you would like to  
15 make public comments. And those will close  
16 October 29th.

17 MR. BALKUM:

18 Any other questions of Ms. Barnes?

19 (NO RESPONSE.)

20 MR. BALKUM:

21 Thank you very much.

22 MS. BARNES:

23 Thank you.

24 MR. BALKUM:

25 Moving along to our sixth agenda

1 item, Water Resources Funding Resolution. That was  
2 discussed at our last meeting. I'll initiate  
3 discussion on this item. The funding resolution,  
4 again, was proposed at our last meeting. It was to  
5 dedicate sources of funding from the Governor or the  
6 legislature to support the water monitoring network  
7 currently in place in the associated water resource  
8 plan. At this time, I'm going to ask Mr. Reonas to  
9 approach the summary of the resolution.

10 MR. REONAS:

11 Thank you, Mr. Chairman. Again, at  
12 the last meeting, y'all heard kind of the situation  
13 with regard to the groundwater monitoring network and  
14 the complimentary surface water network, gauging  
15 stations, and all that were established. Again, out  
16 of the 2012 reports to the legislature, the  
17 recommendation was to -- that was a top priority, was  
18 to beef up the network to provide the necessary signs  
19 to proceed with the management plan. Again, the  
20 Department of Natural Resources was able to put up  
21 about -- was able to secure about 3 million dollars  
22 in federal funds to provide that monitoring over the  
23 next three years.

24 The three years ended this fiscal year. We  
25 were able to get an extension into next year, but

1 that funding will again expire after June of 2016.  
2 So again, at the last meeting, the discussion  
3 centered on putting together a resolution that would  
4 request the Governor and/or the legislature to  
5 develop appropriate funding to put the network into  
6 a -- to dedicate long-term, continual funding to keep  
7 this network in place, realizing, of course, that the  
8 temporary funding was going away at the end of June  
9 of 2016.

10           And, again, working from that conversation,  
11 there was also discussion about putting -- requesting  
12 money for some associated planning to go along with  
13 that. And that's essentially where we've drafted  
14 this resolution, copies of which we forwarded for  
15 review yesterday. We included some more stylistic,  
16 rather than substantive changes, and those copies are  
17 included in your packet. But as you'll see, the  
18 resolution is pretty straightforward. Again, that  
19 goes through a lot of stuff we've already detailed in  
20 previous meetings.

21           In the meeting last August, we talked about  
22 the need for additional funding for the monitoring  
23 network. We also talked about the need -- again,  
24 based on the report from the legislature in 2012 from  
25 this commission, that there was a "need for the



1 state's water management efforts to evolve into a  
2 more robust, comprehensive plan." A process, which  
3 we're already on that road, but, again, with this  
4 resolution to also include requests for additional  
5 funding, to develop that plan and move forward with  
6 the development of that robust, comprehensive plan.

7           And again, based out of this commission's  
8 statutory authority, to continue the development and  
9 cooperation with the Commissioner of Conservation of  
10 a statewide groundwater resource management plan and,  
11 also, of course, to evaluate the state's surface  
12 water resources, including current and projected  
13 demands, which, of course, is necessary in putting  
14 together any sort of comprehensive plan, to have that  
15 scientific basis.

16           So that's essentially the gist of the  
17 resolution that we drafted. Certainly, we can make  
18 any edits or changes as the commission sees fit. But  
19 that's what the gist -- again, the conversation that  
20 took place at the last meeting was our charge. And  
21 so from this point on, we developed a resolution that  
22 we have right now, so --

23           MR. BALKUM:

24           Matt, did you confirm -- I believe  
25 when we identified the need for additional monitoring

1 that we met with USGS to help identify the stations  
2 that we -- or the additional data that was necessary  
3 for us to develop our water resources. Did you  
4 confirm that?

5 MR. REONAS:

6 The --

7 MR. BALKUM:

8 Did we not coordinate with USGS in  
9 identifying --

10 MR. REONAS:

11 Oh, yes, sir. That was -- USGS has  
12 been our partner with this and has basically  
13 implemented the plan that we put together in  
14 cooperation with them. So it's been a very good,  
15 productive partnership.

16 MR. BALKUM:

17 Thanks, Matt. Any comments on the  
18 resolution?

19 (NO RESPONSE.)

20 MR. BALKUM:

21 Seeing none, we can call for a vote.

22 MR. DAVIS:

23 Well, I was going move that we adopt  
24 the resolution.

25 MR. GRAVES:

1                               Second.

2                               MR. BALKUM:

3                               Second, Jerry Graves?

4                               MR. GRAVES:

5                               Yes.

6                               MR. BALKUM:

7                               Okay.

8                               MR. WELSH:

9                               Do we need to clarify that we're  
10 voting on this particular resolution? It's got  
11 strikethroughs and underlines.

12                              MR. REONAS:

13                              I noted the Commissioner did just  
14 some minor stylistic edits. So it's not substantive.  
15 I would just say that the vote would be on this  
16 particular document.

17                              MR. WELSH:

18                              On this document?

19                              MR. REONAS:

20                              Yes, sir.

21                              MR. WELSH:

22                              Oh, that's fine.

23                              MR. REONAS:

24                              Yeah.

25                              MR. BALKUM:

1                   And with that second, I guess I would  
2 ask Matt, so the changes will be incorporated into  
3 the resolution and we'll go forward and then ask the  
4 Chairman -- get his signature and distribution to the  
5 appropriate staff of the Governor's office. So we'll  
6 call for a vote. Those in favor.

7                   (AYE, in unison.)

8           MR. BALKUM:

9                   Those opposed.

10                  (NO RESPONSE.)

11           MR. BALKUM:

12                  It's unanimous.

13           MR. REONAS:

14                  And, Mr. Chairman, we will forward  
15 that to the Chairman -- oh.

16           MR. GRAVES:

17                  I have a question. Have we targeted  
18 the funding source, the legislature in general, or is  
19 BP a potential source to tap into maybe some of these  
20 classifications Ms. Barnes described?

21           MR. REONAS:

22                  At this point, it's just a resolution  
23 to the Governor and the legislature. I can't say  
24 we -- we haven't targeted any particular source other  
25 than, you know, requesting what this resolution would

1 request of the legislature and Governor.

2 MR. GRAVES:

3 It's possible BP funds could be found  
4 and funds could be made available?

5 MR. REONAS:

6 It's possible, yes, sir.

7 MR. GRAVES:

8 It's tough with the budget the way it  
9 is.

10 MR. DAVIS:

11 I would follow-up on Mr. Graves'  
12 point and that the resolution is the first thing we  
13 have to do. And I have a regret that I have one vote  
14 to put to it. But I think the commission is going to  
15 have to actively, you know, pursue sources. And I do  
16 think some of the BP money is a candidate, and not  
17 for everything we may wish to do and maybe not  
18 statewide, but, you know, the coastal zone is  
19 sinking. And in large part, it's because of  
20 withdrawals of groundwater in places like New Orleans  
21 and other places like that. You cannot manage that  
22 which you're not measuring. And I don't believe a  
23 coastal restoration program, you know, can  
24 successfully put out a vote that we're still drilling  
25 holes in. So I think it's an important part of --

1 you know, coastal sustainability is to begin managing  
2 subsidence and this is a piece of that.

3 But I certainly don't think that we can  
4 look to CPRA or BP money, you know, as a panacea, but  
5 I think the piece -- and I think we have to -- should  
6 probably talk with Mr. Sutcliffe and his team to see  
7 where we, you know, take that conversation.

8 MR. BALKUM:

9 Thanks, Mark. If there are no other  
10 comments, we'll move to Agenda Item 7. That's the  
11 Status of Surface Water Management Program. We will  
12 have Mr. Jim Devitt.

13 MR. DEVITT:

14 In your handouts -- my name is Jim  
15 Devitt and I'm with the Department of Natural  
16 Resources and I work with the Surface Water  
17 Management Program. You have a legislative history  
18 for the Surface Water Management Act. The  
19 legislature created it in 2010 and then it had a  
20 sunset provision which would allow for the existence  
21 for two years. So every two years, the legislature  
22 has seen to it to keep it in play, which they did in  
23 the spring of 2014. And the program is set to sunset  
24 now in December 2016. So the legislature would need  
25 to consider it either in the regular session this

1 coming spring or purpose one of its special sessions  
2 that it be discussed. I'll let Mr. Van Biersel talk  
3 to you about some of the statistics in the program.

4 MR. VAN BIERSEL:

5 Thank you, Jim. My name is Thomas  
6 Van Biersel. I'm in the personal management for the  
7 Office of Coastal Management. I do most of the  
8 technical review for all of the surface water  
9 applications that we have. As you may recall, this  
10 is a voluntary program, so I'm going to give you a  
11 little bit of an idea of where the program stands  
12 this year.

13 We had 11 applications. We have signed six  
14 agreements for a total amount of 226 million gallons.  
15 What you'll notice is I have a little summary sheet,  
16 and behind that a more complex table.

17 A lot of the applicants we have will give  
18 us an estimate to the amount of water they have. A  
19 lot of the agreements we have, that amount of water  
20 is not being pulled from, partially because you have  
21 a lot of the operators who will try to evaluate or a  
22 company will try evaluate how much water they may  
23 need and ask for that amount, but what's reported to  
24 us is usually substantially less.

25 But in this case, this year, we have

1 requested -- there is six agreements for 226 million  
2 gallons. To date, we have signed agreements for 6.8  
3 billion gallons. Of the 6.8 billion gallons, if you  
4 look at Table 1, which is the following page, what  
5 you will actually notice is that up until now  
6 reported to us is about 719 million gallons, which is  
7 not a very large amount of water.

8           We have had a total of a hundred agreements  
9 signed through the program. Off of those, 42 are  
10 still current; the rest have expired. As part of the  
11 program, aside from issuing a corporate end of our  
12 agreements, we've also reviewed all the withdrawals  
13 that are submitted to the Corps. This year we have  
14 reviewed 30 requests. Most of those are related to  
15 surface water, but are not surface water withdrawals.  
16 The Corps this year has only had three Section 10s,  
17 no requests.

18           Would you have any questions with respect  
19 to agreements that the state has issued? If not,  
20 I'll move on to the next --

21           MR. BALKUM:

22           A quick question or point here,  
23 Mr. Van Biersel. It appears the drop in 2015  
24 applications received and reviewed is reflected as a  
25 slow down of gas activities.



1 MR. VAN BIERSEL:

2 Yes, pretty much. Most of the  
3 activities involve gas. It is down, but you have to  
4 remember that they sign these agreements long before  
5 they're going to pull. So if you look at the, you  
6 know, reported amount of water for 2015, it's only  
7 3,000 gallons. Most of that water will be pulled a  
8 year or two down the road, but we signed the  
9 agreements this year.

10 MR. BALKUM:

11 Okay.

12 MR. DAVIS:

13 A quick question on those. On this,  
14 what's the accounting mechanism for making sure that  
15 the compensation that is sometimes in new jobs, you  
16 know increased tax revenue, that that actually is,  
17 you know, appearing? Is there any way of tracking  
18 that as we move forward?

19 MR. VAN BIERSEL:

20 There is two tracking mechanisms. In  
21 the agreement, there is a reporting requirement in  
22 our agreements that they provide us. It's a 13-month  
23 report every year that is notarized. At the same  
24 time, those volumes are also reported to the Office  
25 of Conservation on the well history form. So there

1 is a way to look at those values and we can actually  
2 also see what is the station rate.

3 MR. DEVITT:

4 When there isn't a cash payment -- I  
5 think you were also referring to that -- there is a  
6 statement that we require as part of that in the  
7 application as to the economic impact of the use of  
8 the water and then we have an economist who reviews  
9 that and confirms that that is in excess of paying in  
10 cash.

11 MR. DAVIS:

12 That's a big job.

13 MR. WELSH:

14 I have one question. It may be for  
15 Kyle. When a company applies for or submits an  
16 application for a surface water withdrawal for  
17 practical purposes, if that river or stream is in a  
18 wild or scenic river, is that an automatic  
19 disqualification for that application?

20 MR. BALKUM:

21 No, Jim. We've received a couple of  
22 applications in the last five or six years for water  
23 withdrawals on our natural and scenic rivers. As you  
24 know, we've discussed, and some of those applications  
25 have been approved. At least one was denied. But,

1 no, that is not a prohibited activity. It's an  
2 activity that can be permitted if the impacts are  
3 avoided, minimized, mitigated as best as possible.

4 MR. WELSH:

5 Okay. Thanks.

6 MR. VAN BIERSEL:

7 The third item that we are bringing  
8 to you is we were contacted by the state of Arkansas.  
9 And this is not an unusual kind of request, except  
10 this one is a little more formal because they  
11 actually filed an application on this case with the  
12 state of Arkansas where BWG, Inc. is looking at a  
13 water transfer from the Mississippi River through the  
14 state of Arkansas to East Texas.

15 In this case, Arkansas contacted Louisiana  
16 to see, you know, where we would stand with respect  
17 to that. But in this case, this is preliminary. You  
18 have attached to it a small report that was done by  
19 the Arkansas Natural Resources Commission besides the  
20 application. But this is more or less to tell you  
21 that one of those requests is being made more formal  
22 than just curiosity. Jim has also had contact with  
23 Arkansas as well, so --

24 MR. DEVITT:

25 In response to Arkansas' noticing us of

1 that, we assembled representatives from various state  
2 natural resource agencies, including DNR, DEQ, CPRA,  
3 Wildlife & Fisheries, DHH, I believe the Department  
4 of Agriculture, and have had the Arkansas  
5 representatives come and speak to us about the  
6 application. And we were able to question them and  
7 had a very good, positive session with them. I think  
8 they did the same thing with Mississippi as well.

9 So we are looking forward to an opportunity  
10 to comment as a state on this withdrawal. And we're  
11 asking those various state agencies to contribute  
12 comments. DNR will compile them and pass them on.

13 MR. DAVIS:

14 Jim, there will be a formal response  
15 from our state agencies that the DNR will coordinate?

16 MR. DEVITT:

17 We expect them to, yes.

18 MR. DAVIS:

19 We're not there yet?

20 MR. DEVITT:

21 No, not quite. We're still waiting  
22 on some more information from Arkansas. I believe  
23 they're at the stage -- and correct me if I'm  
24 wrong -- they've asked for the applicant to give them  
25 more detail, before they move along. And then, you

1 know, when we get more detail, we'll be in a better  
2 position to make a comment.

3 MR. BALKUM:

4 Mark?

5 MR. DAVIS:

6 Yeah. We've been tracking that as  
7 well, as you know, Jim. I just think that the  
8 commission needs to be aware that, you know, if  
9 anything, this is a prototype project. You will see  
10 more. And the entire premise of this is that there  
11 is surplus flow in the Mississippi River.

12 Arkansas has not yet figured out how to  
13 make that determination, but I believe Louisiana has  
14 to be very aggressive in asserting the flows it's  
15 going to need. Keep in mind that if sea levels rise,  
16 you know, municipal flows are going to -- you know,  
17 water supplies are going to be affected. They  
18 already are in South Louisiana. You're going to see  
19 the Coastal Restoration Program not just need a cash  
20 budget, but a water budget.

21 So those are the things we need to be, I  
22 think, preparing for aggressively. And, you know,  
23 the future that we're headed for is at least on par  
24 with what Texas put on the table in 1968, which was  
25 to divert through Louisiana, not Arkansas, 12 million

1 acre-feet per year, which is the equivalent of the  
2 annual flow of the Colorado River. And I would put  
3 that on the lower side of the demand that this river  
4 system is going to be under.

5 So I think this is absolutely, you know, a  
6 top priority for Louisiana to get right. Otherwise,  
7 we'll see the river that we're counting on and  
8 assuming will be there for our future, it's going to  
9 be taken someplace else. And quite frankly, no one  
10 along the river is going to make much money from it.  
11 Only the people moving it will make the money.  
12 That's the way the laws of the river states are  
13 currently set up.

14 So I just want to really encourage that  
15 this not be handled as kind of a low priority, you  
16 know, can always wait to handle this later. This is  
17 essentially the door opener. And I believe it's  
18 vital that Louisiana get its house in order at this  
19 time.

20 MR. BALKUM:

21 Thanks, Mark. Thomas, I have a  
22 question. They discuss supplemental stream flows in  
23 the document -- in the application. The water would  
24 be possibly diverted in certain municipalities or  
25 locations across Arkansas before reaching Texas. Do

1 you know more about that?

2 MR. VAN BIERSEL:

3 That is one of the things the  
4 applicant was providing. I think the initial  
5 application was one 10-foot diameter by the length of  
6 the Mississippi River to East Texas, and then they  
7 suggested maybe to do two 10-foot. So they would be  
8 able to put diversion in some of the streams in  
9 Arkansas.

10 MR. BALKUM:

11 Is that for drinking water or streams  
12 that have -- are they withdrawals?

13 MR. VAN BIERSEL:

14 I would anticipate -- I assume it  
15 would be more agriculture in that part of Arkansas.

16 MR. BALKUM:

17 Okay. Any other questions?

18 (NO RESPONSE.)

19 MR. BALKUM:

20 Thank you, Thomas.

21 MR. CULPEPPER:

22 Yes. Just real quick, did Arkansas  
23 sell this to Texas too, this water? Is it going to  
24 Texas or just the Arkansas side?

25 MR. DEVITT:

1                   Our intention is for it to be used in  
2 Texas -- primarily to be used in Texas.

3                   MR. VAN BIERSEL:

4                   And Arkansas does have a water  
5 management plan for the state. However, it does not  
6 include the Mississippi River. It is not one of the  
7 rivers that they looked at as part of their  
8 management of resources. So they can -- that's why  
9 I'm saying it's a long-term process because they are  
10 not having to deal with -- how do they handle a  
11 stream regulated by the Corps of Engineers that has  
12 no contact on it? And that's why they came to  
13 Louisiana and talked to Texas. They had approached  
14 the Corps to see where does this spread.

15                  MR. DEVITT:

16                  This is a 75-year request, so it  
17 could be a big deal.

18                  MR. BALKUM:

19                  Our next agenda item is an update on  
20 the Naegleria fowleri Response from the Department of  
21 Health and Hospitals, Mr. Jake Causey.

22                  MR. CAUSEY:

23                  All right. Thank you. The handouts  
24 are not in color, so they may be a little more  
25 difficult to follow because there was a lot of color



1 on this graph. So maybe you'll have to try to look  
2 at the screen. So I'll give you -- on the last  
3 presentation -- I'll be very quick. I'm as hungry as  
4 you are. I'll give you an update on the latest  
5 surveillance monitoring that we've done this past  
6 summer. This will be our second year of monitoring  
7 for this amoeba in our public water supplies. And so  
8 I'll maybe just jump right in.

9           The first page is just an overview of  
10 our -- the tables on the right are kind of our  
11 inventory, I guess, if you will. We have a total of  
12 1,360 public water systems that we regulate and have  
13 in our inventory. 1,180 of the systems are  
14 groundwater systems. You'll see 76 of those are  
15 groundwater purchased. It just means that they  
16 purchase their water from the groundwater system and  
17 resell it. We have 58 surface water systems and 48  
18 surface water purchase systems. And the population  
19 breakdown, it's a little over half. The population  
20 is served by the groundwater system, and then right  
21 at 40 percent of our population is surface water.

22           Then just below that, if we look at  
23 disinfection, the type of disinfectant residual, I  
24 guess, that's maintained in our distribution systems,  
25 is just under 10 percent of our water systems use

1 chloramine, but those are pretty much our very large  
2 systems. So a little over half of our population is  
3 served by systems that use chloramine, and then the  
4 other 90 percent of our systems use free chlorine,  
5 which represents the other half. We have a handful  
6 of systems that currently do not disinfect. Those  
7 are the industrial systems.

8           So just moving right along, let's see the  
9 next page. The background, I guess, just kind of a  
10 quick reminder, is that testing was conducted in 2013  
11 by CDC in response to a death of a child that was  
12 playing on a slip and slide and was diagnosed with  
13 *Naegleria fowleri*. We did follow-up testing in  
14 St. Bernard and detected a presence of amoeba in the  
15 water supply and then we did follow-up testing in  
16 DeSoto Parish because there was a case there in 2011,  
17 and we also found amoeba in that water supply in  
18 2013. So that led us to issuing an emergency rule  
19 requiring all public water systems to increase their  
20 minimum disinfectant residual in their distribution  
21 system to a half milligram per liter. And you can  
22 see the total chlorine or chloramine systems are true  
23 chlorine. It means you can just use chlorine.

24           The rule for monitoring for this infection  
25 residual, revised from one or two plans for bacteria

1 and chlorine residual, required nitrification control  
2 plans for chloramine systems. And then in basically  
3 the summer, the warm weather season of 2014, we  
4 launched a surveillance monitoring program, really,  
5 to give us a full measure, you know, how well these  
6 increased residuals were working and to give us an  
7 idea of what we would find.

8           There really aren't any water supplies in  
9 the country, frankly, that are monitoring their  
10 systems for this amoeba. But then none of them have  
11 had a death attributable to having this amoeba in  
12 their water supplies either.

13           So to date, including this past summer, we  
14 have had six different water systems in the state  
15 test positive for this amoeba in their distribution  
16 system. One thing that's interesting is that six of  
17 those systems are surface water systems using  
18 chloramine as their disinfectant. And, typically,  
19 those systems have had low residuals following the  
20 emergency rule and have been experiencing  
21 nitrification, which is -- one of the concerns about  
22 our chloramine systems is that in order to form  
23 monochloramine, they add ammonia. And when that  
24 residual breaks down, then ammonia is released and  
25 then *Naegleria fowleri* bacteria consumes that ammonia

1 and converts it to nitrite and nitrate. And then  
2 basically, the full impact is that it drags down this  
3 chlorine residual and you have a population of  
4 bacteria present, and that's also a food source for  
5 these amoeba. So we can't say for certain, but it  
6 does seem like maybe there is a slightly greater risk  
7 in those circumstances. But we do know that in  
8 Australia they have found this amoeba in their  
9 systems that had free chlorine in their groundwater  
10 system. So I'm confident it might not be elsewhere,  
11 but so far, those seem to be the places that we're  
12 finding it.

13 So we touched base on the last testing  
14 capacity. One of the first challenges was, you know,  
15 we needed to develop the ability to test for this  
16 because it really didn't exist. There were a lot of  
17 methods published in peer-reviewed literature, but  
18 there were no standard methods to prove. So we  
19 worked with a consultant to help us establish a  
20 methodology and we began testing, like I said, in  
21 2014.

22 In the last bullet on the slide, we've been  
23 specifically looking for *Naegleria fowleri* because  
24 that, you know, has a very severe consequence, but  
25 there are other amoebas that are pathogenic that can

1 cause illness. So we're looking to see if we can  
2 incorporate some of those into our test.

3 The next slide -- so this was just an  
4 overview of the parishes with the systems where we've  
5 had *Naegleria fowleri* test positive. If we go to the  
6 next slide, this is the map of St. Bernard in 2013,  
7 with the locations and the whole area there. And  
8 there was one site in Violet.

9 But then we go to the next one, I think  
10 it's the 2015, and we sampled again in the whole area  
11 and then we went further down into the extremities of  
12 the system, but -- well, we did find a site in there  
13 that was positive for *Naegleria fowleri* this summer  
14 in St. Bernard again.

15 Now, an interesting thing is when we  
16 monitored, we had a total chlorine residual of 0.6  
17 milligrams per liter. But that particular site,  
18 there was flushing. They were sampling a station  
19 that was set up to automatically flush on a timer.  
20 And, frankly, that station was leaking. It had been  
21 damaged slightly. There was an above-ground gasket  
22 that was leaking. So there was some question to, you  
23 know, hey, was this just an issue with the site? Do  
24 we really have *Naegleria fowleri* in the system? So  
25 we went back and resampled at that location and two

1 other locations in the area.

2 Now, that original location, that sampling  
3 station, because of leaking, had been removed and the  
4 system put in a brand new tap on the main that we  
5 used to resample from, but we requested the system  
6 not actually do flushing while we were sampling so  
7 that we could determine what the real residual was in  
8 that area. And, granted, this was about a month  
9 after our residual sampling. But when we went back  
10 to sample these three sites, we actually did not have  
11 a chlorine residual at any of those three sites and  
12 they all came back positive for *Naegleria fowleri*.

13 So really what the issue was is that there  
14 was continuous flushing and just sort of fairly  
15 meeting that residual, but the reality was there was  
16 significant nitrification occurring. And they  
17 stopped flushing for one day and, I mean, their  
18 residual dropped to zero. So that's why we monitor.  
19 So they are in the middle of doing a free-chlorine  
20 burn.

21 So the next slide, when we went out and  
22 resampled the stations, we actually had to remove a  
23 section of pipe. This is a two-inch cast iron pipe  
24 that is reportedly part of the original design,  
25 original installation back in the '30s or so. So we

1 had this pipe section cut out, and it was preserved  
2 so that no external contamination got in the pipe.  
3 And it's actually at Virginia Tech. Their  
4 engineering department is doing a study on the  
5 microbial community and the vials from inside this  
6 pipe to try to better understand maybe what some of  
7 the conditions are. I know they did immediately take  
8 a swab and had a vial filled and it had amoebas  
9 growing in it, et cetera. Again, there was no  
10 residual here either, you know, at this particular  
11 time. So we're hoping to learn a lot from that.

12           So this is a table of the residuals and  
13 the results. We've monitored St. Bernard in 2013,  
14 2014 and 2015. And you'll see last year when we went  
15 there, the residuals were found to be higher than  
16 they were this year. So again, we're seeing a  
17 consistent pattern for these surface waters that use  
18 chloramine having severe nitrification and the  
19 presence of *Naegleria fowleri*.

20           I guess a little picture on the right is  
21 the sampling kit set up. It's an ultrafilter in  
22 there. They just have a little pressure regulator  
23 between the sampling station and an ultrafilter and  
24 then a flowmeter on the back side. And the flow rate  
25 is about two to three liters per minute to collect

1 the 100 liters. So it generally takes about 45, 50  
2 minutes to collect one sample. And those are  
3 ultrafilters used in dialysis machines. But anyway,  
4 we can move on.

5 So here is a graph with the results. The  
6 color -- I'll tell you what the sites are. You see  
7 the green is high at the point of entry, disinfectant  
8 residual that's entering the distribution system.  
9 They do have, I think, at least one location or  
10 distribution system, going down south where they  
11 boost.

12 But in the Arabi area where there's three  
13 sites, the ACR005, TCR003 and TCR010, those are the  
14 three sites in the Arabi area that were positive.  
15 You see, at least in early 2014, they had a pretty  
16 good residual. And then, I guess kind of late  
17 summer -- I'm trying to think. I think we sampled  
18 about in August of 2014 and then, you know, in late  
19 summer, early fall you see those residuals kind of  
20 drop off. And then you see in early 2015 a big spike  
21 where it jumps back up. We actually issued an  
22 emergency order at that time informing them that  
23 these continued months of noncompliance with the  
24 emergency rule is not acceptable. And so there was a  
25 big jump in the residuals at that time.



1 Unfortunately, you see when we got back into the warm  
2 weather season, I guess the nitrification took over  
3 and they let the residuals drop. So then we had some  
4 positive samples.

5           So this is De Soto. We had St. Bernard and  
6 De Soto. You know, we actually had three years of  
7 data, which is really nice to compare. You see in  
8 2013 they had low residual nitrification and some  
9 positives for Naegleria fowleri. In 2014 there's  
10 residual. 2015 we didn't have any positives.  
11 Residuals were lower, and one cite was actually  
12 below, so they were definitely battling  
13 nitrification, but fortunately, did not find  
14 Naegleria fowleri.

15           Then the next site, St. John in 2014,  
16 again, this was a surface water chlorine system,  
17 nitrification, no residuals, but you see this year  
18 they really stepped up the game and they are  
19 maintaining pretty good residuals. So we didn't have  
20 any issues there.

21           The next slide, so Ascension Consolidated,  
22 this was a system we monitored this year, 2015, that  
23 we found Naegleria fowleri. The MRT, which is  
24 actually at the top of the slide, I put a graph here.  
25 They purchased all of their water from Assumption.

1 So this is a surface water purchase system. So the  
2 residual at their point of entry, which is the  
3 bottom, was at 2.0 milligrams per liter. And then,  
4 actually, coming out of the first tank, just above  
5 that point of entry, if you look at the graph there,  
6 Tank 1, that residual was .21. So we went from a 2  
7 to a .21. And one thing we see and know about tanks  
8 that have stagnation, low turnover, they're ripe for  
9 nitrification. And that's certainly likely the case  
10 there. And then as we get into the second tank and  
11 the MRT, you'll see the residuals just drop to  
12 basically zero.

13 And then the graph at the top there is the  
14 nitrates, which is sort of the end of the  
15 nitrification cycle. And you see the entry point of  
16 1.3. And then when we get to the MRT, it's up to a 2  
17 and then you see the nitrate as nondetectable at the  
18 entry point. By Tank 2, you're up to about .14  
19 nitrate. And the MRT is in fact nondetected. That  
20 just means that that whole nitrification cycle has  
21 been completed from the point of entry to the MRT.

22 So that's just a major issue that these  
23 systems, using chloramine, are really going to have  
24 to tighten up on. So this is again the residuals for  
25 A, C and D, the point of entry. And then you see

1 the -- the MRT has consistently been below -- or  
2 crossed the emergency rule level, and so we found  
3 *Naegleria fowleri* present at that location.

4           And then the next slide is -- this is the  
5 latest system, I guess, we had test positive, the  
6 Schiever system in Terre Bonne Parish, a very large  
7 system. Several boosters in different areas in the  
8 system with this site there on the far right did test  
9 positive. And if you go to the next page, I think I  
10 have the residuals there, you'll see it was a .44  
11 total chlorine residual. And, you know, that's not  
12 an insignificant number. That's pretty close to .5.  
13 It wasn't quite there.

14           What's interesting is you'll see that same  
15 site in 2014 actually had a lower residual of .15 and  
16 everything, you know, tested clean. We didn't find  
17 *Naegleria fowleri* then. Then this year when the  
18 residuals increased, we did find it this time. Of  
19 course, keep in mind, we're only taking 100 liters,  
20 which is a large amount of sample, but compared to  
21 how much water is produced and distributed daily,  
22 it's a pretty miniscule amount we're actually  
23 monitoring. So again, this is certainly experiencing  
24 nitrification and there are going to be questions. I  
25 mean, that definitely seems to generate a higher risk

1 for our systems, the nitrification.

2           So again, that's their time series. You  
3 know, when the weather gets warm, those residuals get  
4 tough to maintain. And, you know, there's a number  
5 of reasons for that: Certainly increased flushing  
6 helps, tanks turn over, low flow, low usage, there's  
7 a lot of factors that can contribute to that. But  
8 frankly, it's just being proactive and monitoring the  
9 system, specifically looking at nitrification and  
10 considering their problem. Even if your residual is  
11 okay, nitrification is something you've got to  
12 address before your residual is not okay. Because  
13 once it sets in, you're going to probably be looking  
14 at a free-chlorine burn, some major response to  
15 essentially remediate the system.

16           Let's see. If we could go to the next  
17 slide, some of our additional responses, we certainly  
18 plan to -- we did some training last year on just  
19 disinfection, grade point system inspection,  
20 maintaining residuals, you know, looking at tanks and  
21 other things. So this year we're going to really try  
22 to focus on chlorine disinfection and focus on  
23 nitrification control, understanding, preventing,  
24 detecting and actively responding to nitrification  
25 and the distribution for that role.

1           So let's see. We've also been working on  
2 some information management system improvement. We  
3 are working on a system where we can capture these  
4 chlorine residuals electronically, you know, and  
5 geographically, so we can map those, graph them and  
6 look at them and try to better assess risk. You  
7 know, a lot of our -- surveillance monitoring has  
8 been focused on systems that have tested positive  
9 before, but also systems that are not maintaining  
10 residuals, because frankly, that seems to be where  
11 the higher risk is.

12           So this section of the resolution is  
13 basically for the Health Department to form its final  
14 ruling on the emergency rules. You know, we had  
15 wanted to get at least two years of monitoring in to  
16 really see, you know, especially for the chlorine  
17 systems, that total residual, you know, is that .5  
18 sufficient, nitrification plan sufficient, et cetera.  
19 So certainly now that we have some data, we are on  
20 target to have those published by the end of this  
21 calendar year to implore our final rule.

22           There are two more slides. So this is just  
23 sort of a more holistic view. We're looking at total  
24 chloroform positive samples for the universe of our  
25 water systems over time. So this is focusing on the

1 2012, '13, '14 and thus far '15 time frame. We  
2 certainly expect that a higher disinfection residual  
3 will help not only with amoebas, but other pathogenic  
4 organisms. So our chloroform monitoring is really  
5 the only routine microbial monitoring that occurs for  
6 all of our water systems. But if we look at just the  
7 trend and the total number of positive samples, you  
8 know, we do see a decrease, a slight decrease after  
9 our emergency rule in early 2014. And so, I guess,  
10 we're hoping over time we'll see that continue.

11           And then I think the last slide is like  
12 10 years -- 13 years -- a 13-year overview of, again,  
13 total chloroform positive samples. So we do have a  
14 steady downward trend. But, you know, one of the, at  
15 least -- probably prior to 2012 or so, we have -- it  
16 may be 2010 -- a pretty significant decrease in the  
17 total number of water samples. We have a lot of  
18 water systems that are consolidating. The total  
19 number is shrinking, which is good, but the size of  
20 the systems are getting bigger, which is what we  
21 want. So the reason for a lot of these downward  
22 trends over time is just for that.

23           But when we do look at the 2012, '13, '14,  
24 '15 time frame, again, where the total number of  
25 systems has been pretty static, we have seen a

1 downward trend in the total number of chloroform  
2 positive samples. So I certainly think that these  
3 increased residuals in our distribution systems are  
4 having a very positive impact. But the chlorine  
5 systems, the nitrification and where these residuals  
6 are not being maintained, certain water systems are  
7 at risk. So I'm sure we've got one question for  
8 sure.

9 MR. GRAVES:

10 Sorry, Jake. Do you think some of  
11 these contaminations could be related to the  
12 extensive street repairs being done? Post Katrina,  
13 they had subsidence caused from the flooding in  
14 places like St. Bernard where water lines were  
15 literally separated at joints, and streets were dug  
16 up and repaired. And I know this was a soil-borne  
17 contaminate. Does that play a factor? And what is  
18 being done to prevent that from continuing as road  
19 repairs are ongoing?

20 MR. CAUSEY:

21 Yeah. Well, one thing that's for  
22 certain is that our water distribution systems are  
23 not watertight and they never will be. And they are  
24 pretty much at risk every day for entrance of  
25 contaminates, whether it is contractor, subsidence,

1 or a disaster of some sort. It's why we monitor  
2 routinely for chloroform bacteria and it's why we're  
3 monitoring residuals.

4           You know, with these distribution systems,  
5 there's a cross connection. Every time you have a  
6 house connected to the water system, well, that house  
7 is connected to a pipe to something else, which is  
8 another pathway for contaminants to enter the system.  
9 So we definitely want regulatory framework in place  
10 that, you know, is aware of those risks and protect  
11 the systems from them.

12           Certainly when water main breaks occur,  
13 pressure is an important aspect of what contaminants  
14 are entering the system. When pressure is not  
15 maintained to our water systems, we should monitor  
16 because, frankly, you know, the integrity of the  
17 system has been compromised at that point. So they  
18 have to restore pressure. Typically, they disinfect  
19 flushes and they resample for chloroform bacteria to  
20 make sure the damage is clear and then they can  
21 notify the customers and say, hey, you know, water is  
22 safe to drink again. So eliminating water main  
23 breaks, preventing those positive residuals, we can  
24 work on to help reduce those risks, but they're never  
25 going to go away.



1           And then in pipes, frankly, you have  
2 biofilms that occur over time. And there's a lot of  
3 research and studies looking at these biofilms, and  
4 you can have pathogens in these biofilms. And as  
5 long as they're in the biofilm, they're not at risk.  
6 It's when they get in the boat water and enter  
7 people's homes it's a real risk. So maintaining  
8 those residuals is an important aspect of all of  
9 that, as well as maintaining pressure.

10           So, you know, you're not going to prevent  
11 those contaminates for an airborne system, but we  
12 also have to have framework in place that helps  
13 monitor those distribution systems and protect the  
14 water quality. So that's kind of where it's at.

15           And with the biofilms, you know, I don't  
16 know if you've seen, but there's a lot of stuff going  
17 on with Legionella now that's more in the premise of  
18 a plumbing system issue, but it's still a water  
19 supply issue. And there's still Legionella cooling  
20 tower stuff too, but there's a lot of these other  
21 pathogens that are not regulated. They're free  
22 living.

23           Traditionally, water supplies are monitored  
24 and regulated for fecal contamination. What we're  
25 seeing is that there's other, we call it

1 "opportunistic pathogens," that are free living in  
2 the environment, finding other ways into plumbing  
3 systems, water systems. And so there's a lot of  
4 urging EPA, that we'll need to start looking at these  
5 from a national perspective. But, you know,  
6 Naegleria fowleri in the state of Louisiana is  
7 leading the country and control of Naegleria fowleri  
8 in our water distribution system.

9 MR. DAVIS:

10 Two quick questions. First, since we  
11 keep seeing reports that, you know, each summer is  
12 one of the ten hottest summers we've ever had, is  
13 your definition of the warm season that you have to  
14 really start managing, is that changing as time  
15 passes, or are we using just a historical period?

16 MR. CAUSEY:

17 So what we've been using thus far is  
18 a 20-degree C threshold, although, we know that these  
19 amoebas can survive much colder temperatures.  
20 There's been quite a number of infections with  
21 Naegleria fowleri this past year, all related to  
22 recreational water exposure. But, frankly, several  
23 of these were in the far northern states as you call  
24 it, where, you know, the amoebas can persist in the  
25 winter pretty well, apparently. But I think that

1 when it gets warm is when they really start to get  
2 active.

3           So right now, our time frames have really  
4 been sort of May to September, that 20-degree C  
5 range. But we don't see that as a hard line or a  
6 hard number. There's a lot of work to do. It's a  
7 very resource-intensive effort. I don't know how  
8 you -- that is certainly the highest risk time frame,  
9 but it doesn't mean that it can't occur at some other  
10 time in the year.

11           MR. DAVIS:

12           Well, my second question goes to  
13 financing to make all this happen. Since we've had  
14 any number of boil water advisories in South  
15 Louisiana, and we've had some of these situations of  
16 contaminants, including some tragic deaths, are local  
17 governments hearing from their insurance,  
18 particularly errors and omissions, saying that, you  
19 know, you need to manage differently or your  
20 insurance coverage is going to cost more or not be  
21 available? I mean, those are just the kind of things  
22 that drive investment that --

23           MR. CAUSEY:

24           Right. You know, I wish I knew the  
25 answer to that. What I can say is I've not had a

1 single utility make a comment to me to that effect,  
2 that, you know, we're hearing from, you know, our  
3 insurers on our water supply issues. But that  
4 doesn't mean they would tell me or that it's not  
5 happening either. That's a good point.

6 MR. CULPEPPER:

7 And just to follow up, can you say  
8 that these pathogenic microorganisms are not in  
9 actual source water itself, but it's in the piping  
10 infrastructures of the systems?

11 MR. CAUSEY:

12 Well, we know that Naegleria fowleri  
13 is in surface water. And when we've been testing a  
14 lot of these -- well, all of the systems we test, we  
15 do a raw source water test. So certainly several of  
16 the water supplies being tested, not all water tests,  
17 have been positive for Naegleria fowleri. But what  
18 I'll say is we assume that. A bigger question in our  
19 my mind is with respect to groundwater.

20 MR. CULPEPPER:

21 That's my -- let me clarify it for  
22 groundwater, yeah.

23 MR. CAUSEY:

24 And we have been doing raw  
25 groundwater samples and we've not had any of those

1 come back positive for Naegleria fowleri. We've had  
2 a few with amoebas present. There's -- I guess one  
3 example would be St. John. Their wells are very deep  
4 and they're coming out of the ground at about 35  
5 degrees Celsius. It's very warm water. And in that  
6 particular case, it actually goes through a pretty  
7 extensive treatment, et cetera. So the quality is  
8 not that great. But statewide, it's something that  
9 we want to take a close look at.

10 MR. BALKUM:

11 Any more questions for Jake?

12 (NO RESPONSE.)

13 MR. BALKUM:

14 Excellent presentation.

15 MR. CAUSEY:

16 Thank you.

17 MR. BALKUM:

18 At this time we'll move on to public  
19 comment if there are any and we can open the floor.

20 PUBLIC:

21 Mr. Chairman, I just would like  
22 recognize that we have municipal association  
23 director, Ron Harris, who is with us today. That's  
24 all. Thank you.

25 MR. BALKUM:

1                                    Thank you.    Thank you, Mr. Harris.  
2    Seeing no public comments, I'd ask for a motion to  
3    adjourn.    Glen Brasseaux.    Jake Causey.    Thank you.  
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5                                    (MEETING ADJOURNED AT 12:52 P.M.)  
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REPORTER 'S CERTIFICATE

I, LAURA QUINETTE, Certified Court Reporter in and for the State of Louisiana, Registered Professional Reporter, do hereby certify that the foregoing is true and correct transcript of Water Resources Commission Meeting to the best of my ability held on October 1, 2015, as set forth in the foregoing 78 pages.

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This certificate is valid only for this transcript accompanied by my original signature and original required seal on this page.

Baton Rouge, Louisiana, this 20th day of October, 2015.

Laura Quinette, CCR, RPR  
CCR No. 2014011, RPR No. 73367