

2022 LWI LEGISLATION

FREQUENTLY ASKED QUESTIONS

DRAFT April 4, 2022

SUMMARY: KEY POINTS

- The Louisiana Watershed Initiative (LWI) was originally authorized by Executive Order in 2018 and has been operational for 3 years.
- The proposed legislation would authorize LWI under state law, as an entity within the Department of Administration.
- It would coordinate the work of several state agencies that share responsibility for flood protection.
- It would also define the process for establishing 8 Regional organizations.
- The Regional organizations would be defined by watersheds, i.e. the way that water actually flows. Similar models are used in other states and countries.
- The legislation and LWI would not take away any of the existing responsibilities and powers of local or parish government.
- The LWI regional watershed organizations will not have taxing or bonding authority.
- The legislation is budget-neutral. It will not add to the state's expenses.

BACKGROUND

1. What is the Louisiana Watershed Initiative?

- LWI is a program of Louisiana state government to protect people and property from inland flooding.

2. What need does LWI address?

- Flood risk in Louisiana is not confined to coastal parishes during hurricanes. For instance, in August 2106 intense inland rainstorms dumped three times as much rain as Hurricane Katrina did, and flooded 146,000 homes. **ALL** of Louisiana's 64 parishes have been included in a federal major disaster declaration at least once since August 2005.
- The risk of inland flooding has increased in recent years and is expected to continue to increase.



3. What principles guide the LWI Program?

- Watershed based management and planning
- Science-based planning and decision-making
- Respect for the natural and beneficial functions of floodplains
- Attention to the needs of vulnerable communities
- Community and stakeholder involvement in decision making

4. Why is watershed-based management important?

- Louisiana has hundreds of overlapping jurisdictions with some level of responsibility for flood protection: cities, parishes, levee districts, drainage districts, water and sewerage agencies, and more.
- However, high water does not stop at political boundaries.
- Instead, water flows according to the underlying geography. The basic unit of hydrology is called a watershed, or basin. USGS has developed a system of watershed definitions that has been in use for decades.
- Planning at the watershed level will enable cooperation on flood mitigation across jurisdictions, to an extent never before possible in Louisiana.

5. Do other states have regional watershed management organizations?

- Yes. Several other states — including Florida, Texas, Minnesota, Colorado, and Iowa — have regional watershed management authorities organized around watersheds
- In the Netherlands, watershed-based water management authorities have been in place for hundreds of years.

6. What is LWI's legal basis? How is it currently structured and funded?

- In May 2018, Gov. John Bel Edwards issued Executive Order JBE 18-16, creating the Council on Watershed Management ("Council"), an assembly of multiple agencies which coordinates watershed-based flood risk reduction at the state level. The Louisiana Watershed Initiative serves as the Council's programmatic arm, under which all related efforts operate.
- The Council currently includes representatives from five state agencies with some level of responsibility for water management (OCD, DOTD, GOHSEP, CPRA, and DWF).
- The Council has designated eight provisional watershed regions. Each region has a steering committee and is staffed by a watershed coordinator.
- The expenses for LWI are currently covered by federal funds, largely FEMA's HMGP and HUD's CDBG-MIT. Other Federal funding sources are expected in the future.



7. What has LWI accomplished to date?

- Awarded more than \$450 million in federal CDBG-MIT funding to flood risk reduction projects and programs throughout Louisiana.
- Implementing HUD requirement that 50% of funds be spent in areas most affected by floods of 2016.
- Implementing HUD requirement that 50% of project funds be spent to benefit LMI neighborhoods
- Dedicated \$15 million to enhance the statewide river and rain gauge network. Work is underway to install new gauges at 100 sites throughout Louisiana over the next two years.
- Developing hydrologic and hydraulic models of all major watersheds throughout the state, which will simulate flood scenarios and analyze potential mitigation solutions.
- Designated eight watershed regions and provided funding and technical support for staff capacity and steering committees, which made recommendations for long-term watershed management.
- Supports training programs for nature-based solutions projects and disaster resilience jobs.

PROPOSED LEGISLATION

8. Has the Legislature acted on watershed-based flood mitigation in the past?

- The Louisiana Legislature first considered defining levee districts by watershed boundaries in 1857.
- More recently, the Legislature has recognized on several occasions that that a regional approach to floodplain management is needed to adequately address flood risk throughout the state. This legislation is an outgrowth of those efforts.
 - The reports for both Senate Concurrent Resolution 39 and Senate Resolution 72 both explored regional watershed management and made recommendations for greater collaboration and formal regional entities to coordinate water management within regions.
 - The addition of “coordinated statewide watershed evaluations” to the statute through Act 437 of 2018 showed the Legislature’s interest in this topic.

9. What is the purpose of the proposed legislation?

- The legislation would codify the LWI by converting its authorization from executive order to state law.

10. What does the proposed legislation actually do?

- It establishes the Council on Watershed Management (“Council”) as an entity within the Department of Administration, Office of Planning and Budget.
- It broadens the Council to include representatives (or their designees) from more agencies and legislative committees:
 - The Commissioner of Administration



- The Secretary of the Department of Transportation and Development
- The Chairman of the Coastal Protection and Restoration Authority
- The Executive Director of the Office of Community Development
- The Executive Director of the Governor's Office of Homeland Security and Emergency Preparedness
- The Secretary of the Department of Wildlife and Fisheries
- The Secretary of the Department of Environmental Quality
- The Secretary of the Department of Natural Resources
- The Secretary of the Commissioner of Agriculture and Forestry
- A member of the Association of Levee Boards of Louisiana
- A member from the House Committee on Transportation, Highways, and Public Works
- A member from the Senate Committee on Transportation, Highways, and Public Works
- The Chairman of the Louisiana Soil and Water Conservation Commission.
- It charges the Council, in conjunction with its member agencies and future regional entities, to carry out the goals and objectives of the Louisiana Watershed Initiative.
- It gives the Council the authority to:
 - Create and update a statewide watershed plan
 - Facilitate the adoption of regional watershed coalitions
 - Hire staff
 - Provide technical assistance to regional watershed coalitions
 - Establish and amend regional watershed boundaries
 - Allocate funds to regional entities

11. Does the legislation restrict the existing powers of local government?

- No. The Louisiana constitution (Section 17) gives authority for land use planning, zoning, and flood protection to local and parish governments. The proposed legislation will not affect these authorities.

12. “What are regional watershed coalitions?”

- “Coalition” is the term for the floodplain management entities in each watershed region.
- Coalition leadership will depend on the needs of each region and on plans submitted to the Council. They would typically include representatives from:
 - parish and municipal governments
 - special purpose public entities (e.g., levee districts and soil and water conservation districts)
 - private sector and non-governmental partners.



13. What is the process for establishing coalitions?

- The Council would be required to first review the recommendations submitted by the Regional Steering Committees for regional self-governance. After a public input process, the Council would be authorized to create a coalition.
- The proposed legislation requires that local and regional stakeholders be given an opportunity to be heard.
- The Council would either approve and establish that coalition, or send the proposal back with recommendations and/or requests for further information.
- Regional stakeholders would then respond to any requests until the Council approves and adopts the regional proposal.
- All these actions must comply with any applicable requirements of the Louisiana Administrative Procedures Act, and all meetings would be subject to Louisiana public meeting laws, including public notice and public comments periods.

14. Why does the legislation form coalitions in this way?

- The proposed process recognizes that each region has a unique set of needs, and allows for flexibility and variety in establishing regional responsibilities and governance structures.
- It recognizes the considerable planning has already been undertaken in each region, and creates a specific path for the plans to be evaluated and approved.
- This allows for the Council to maintain consistency across regions to the extent that is necessary.
- It reduces the need for each of the 8 regions to propose and pass distinct legislation.
- It eliminates the need to have specific boundary descriptions, which are subject to change, included in the language of the law.

15. How will the regional boundaries be determined? And can they be changed?

- A substantial amount of planning on regional boundaries has already been conducted, and provisional boundaries were adopted in August 2019.
- The proposed legislation would authorize the Council to formally adopt regional boundaries for each watershed region.
- There will be an opportunity for public input on each region's boundaries.
- The Council would also be able to revisit and amend the boundaries as necessary with public input.



16. What does the proposed legislation authorize the coalitions to do?

- Once established, the Regional Watershed Coalitions would be able to:
 - a. Develop regional watershed management plans
 - b. Receive funds (like grant funds)
 - c. Provide technical assistance and guidance to support local entities
 - d. Provide public outreach and education to residents and local leaders
 - e. Enter into cooperative endeavor agreements (CEAs)
 - f. Serve as a convener of regional stakeholders
 - g. Propose, support and review projects to reduce flood risk

17. What powers does the proposed legislation NOT give to the coalitions?

- The legislation would not give the coalitions taxing or bonding authority.
- It would not authorize the Coalitions to replace the state as the primary grantor of project funds under LWI.
- It would not give the coalitions any zoning, permitting, or land use regulation authority.
- It would not add another regulatory layer to current building and land use approval.
- It would not take away or replace the authorities of any local government or special purpose entity.

18. How will the coalitions work together with local authorities?

- The proposed legislation would enable, but not mandate, cooperation between local authorities and the coalitions.
- Local authorities may, at their option, enter into CEAs with the coalitions to perform specific services, if they both agree.

19. What is the name and number of the legislation?

SB414