

RESOLUTION

Opposition to SB 490 – Exempts the Comite River from Certain Provisions of the Louisiana Scenic Rivers Act for a Set Period of Time

**Adopted by the
Louisiana Wildlife and Fisheries Commission**

April 5, 2018

- WHEREAS,** the Scenic Rivers System (“the System”) was established with the passing of the Scenic Rivers Act (“the Act”) in 1970 for the purpose of preserving, protecting, developing, reclaiming, and enhancing the wilderness qualities, scenic beauties, and ecological regime of certain free-flowing streams or segments thereof; and
- WHEREAS,** the System shall further be administered for the purpose of preserving aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources found along these streams or segments thereof; and
- WHEREAS,** the System currently contains 59 streams or stream segments comprising over 3,000 miles of creeks, rivers, and bayous and is one of the nation’s largest, oldest, most diverse and unique state river protection initiatives; and
- WHEREAS,** the Comite River in East Feliciana and East Baton Rouge Parish, from the Wilson-Clinton Highway to the entrance of White Bayou in East Baton Rouge Parish was included in the Scenic Rivers System from its inception in 1970 with the passing of Act No. 398; and
- WHEREAS,** the Act includes an exception providing for the construction of the Comite River Diversion Canal and related structures for the purpose of flood control; and
- WHEREAS,** clearing and snagging, channelization and channel realignment are prohibited in most System streams; however, in recognition of the tragic and destructive floods of 2016 exceptions to these prohibitions are currently in place for the Comite River; Act No. 189 of the 2017 legislative session declared, *“clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or federal government for drainage purposes in the... Comite River shall be permitted by the department in accordance with the requirements and procedures provided for in R.S. 56:1849”*; and
- WHEREAS,** recognizing the prevailing importance of human life and property, the department has on 26 occasions in the past successfully permitted dredging, clearing and snagging projects on rivers in the System where existing exceptions allowed; and
- WHEREAS,** these types of projects require careful coordination and oversight, which is provided by the System’s permitting process; and
- WHEREAS,** the permitting process allows for public input and coordination among various state agencies and local governments and ensures the resulting project is indeed beneficial to Louisiana, while negative impacts are minimized or avoided; and
- THEREFORE, BE IT RESOLVED** that due to the benefits of regulatory oversight, the importance of continued public involvement and interagency coordination, and believing that existing exceptions adequately address the stated need for SB 490, the Wildlife and Fisheries Commission does not see the need for SB 490 in the current form, or any similar legislative action that would remove or suspend the protections of the System to the Comite River or any other waters in the System.

BE IT FURTHER RESOLVED, that if the legislature elects to advance SB 490, the Wildlife and Fisheries Commission hereby expresses its preference for the will and intent of the Scenic Rivers Act to be maintained to the greatest extent possible during the 3-year suspension on the Comite River.

BE IT FURTHER RESOLVED, that the Wildlife and Fisheries Commission expresses appreciation in advance to the legislature for its restraint, maintaining the protections afforded to other System streams, and for the confidence it maintains in the Department and this Commission, allowing the continued regulation of System streams.

BE IT FURTHER RESOLVED, that a suitable copy of this Resolution be transmitted to Senator Mack "Bodi" White, to the Senate Natural Resources Committee and the House Committee on Natural Resources and Environment.



Robert J. Samanie III, Chairman
Louisiana Wildlife and
Fisheries Commission