

1 to the public health, safety and welfare, specifically including hazards to recreational and
2 commercial navigation; and

3 WHEREAS, the coastal zone of Louisiana has experienced significant land loss
4 historically and continues to lose land from erosion at an alarming rate; and

5 WHEREAS, many pipeline segments currently in operation in the coastal zone were
6 initially installed, designed, and permitted to be constructed on land within the coastal zone
7 and, due to coastal erosion, are now beneath water where recreational and commercial
8 maritime navigation occurs; and

9 WHEREAS, allisions involving recreational and commercial maritime navigation
10 and inadequately covered, marked, or protected pipelines have in some instances caused
11 death, environmental pollution, and economic losses; and

12 WHEREAS, a real potential currently exists for a significant event to occur related
13 to such a allision resulting in death or an environmental catastrophe causing the federal
14 government to react by imposing moratoriums, as it did following the Deepwater Horizon
15 oil spill, that could prevent maritime navigation in the coastal zone and the use of pipelines
16 to transport energy resources; and

17 WHEREAS, any such moratorium imposed by the federal government would have
18 severe economic impacts on the citizens, businesses, and industries in the state as well as to
19 the state of Louisiana itself, similar to the economic impacts of the moratorium following
20 the Deepwater Horizon oil spill; and

21 WHEREAS, in accordance with R.S. 30:4, 501 et seq., and 701 et seq., and the rules
22 and regulations promulgated pursuant thereto, the commissioner of conservation is primarily
23 responsible for the regulation of intrastate pipelines and pipeline safety in Louisiana; and

24 WHEREAS, in accordance with the State and Local Coastal Resources Management
25 Act of 1978, R.S. 49:214.21 et seq., and the rules and regulations promulgated pursuant
26 thereto, the secretary of the Department of Natural Resources through the coastal use
27 permitting program has authority to regulate certain uses in the coastal zone, including uses
28 which may lead to coastal impacts associated with the installation and operation of a
29 pipeline; and

1 WHEREAS, pursuant to Article IV, Section 8 of the Constitution of Louisiana, the
2 attorney general is the chief legal officer for the state of Louisiana, is responsible to
3 represent the public interest, and is responsible to the legislature and the public therefor; and

4 WHEREAS, pursuant to R.S. 24:513, the legislative auditor is responsible and has
5 the authority to conduct performance audits, program evaluations, and other studies as are
6 needed to enable the legislature and its committees to evaluate the efficiency, effectiveness,
7 and operation of state programs and activities; and

8 WHEREAS, the risks and gravity of harm to the public health, safety, and welfare,
9 specifically including hazards to recreational and commercial maritime navigation, posed
10 by pipelines in the coastal zone that are inadequately covered, marked, or protected and no
11 longer buried as originally designed or permitted, are significant and an immediate
12 comprehensive assessment and evaluation is necessary to assist the legislature in
13 determining what actions are necessary.

14 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
15 urge and request the commissioner of conservation and the secretary of the Department of
16 Natural Resources, in consultation with the attorney general and with the assistance of the
17 legislative auditor as requested, to cooperatively and jointly conduct a comprehensive
18 assessment and evaluation of the hazards posed to the public health, safety, and welfare,
19 specifically including hazards to recreational and commercial maritime navigation, from
20 pipelines inadequately covered, marked, or protected and no longer buried as originally
21 designed or permitted and to make recommendations for any necessary statutory rule,
22 regulation, or policy change in order to abate or mitigate such hazards.

23 BE IT FURTHER RESOLVED that this comprehensive assessment and evaluation
24 include the following:

25 A. An inventory of all pipeline segments in the coastal zone, the range of the depth
26 of water where each pipeline segment is located taking into consideration high and low tides,
27 the current depth of burial, and the consistency of the material covering the pipeline. To the
28 extent necessary, the commissioner of conservation should request and, to the extent
29 authorized, require pipeline owners and operators to provide such information.

1 B. An assessment and evaluation of the hazards to public health, safety, and welfare,
2 including hazards to recreational and commercial maritime navigation, currently posed by
3 pipelines determined to be inadequately covered, marked, or protected and no longer buried
4 as originally designed or permitted.

5 C. An assessment and evaluation of the currently required depths of cover over
6 pipelines to determine if such depths of cover, considering the material used for cover, are
7 adequate considering the risk and gravity of harm to the public health, safety, and welfare.

8 D. An assessment and evaluation of the adequacy of the statutory and regulatory
9 requirements for:

10 (1) Permitting, inspections, and maintenance of intrastate pipelines to ensure they
11 remain safely covered and do not become a hazard to recreational and commercial maritime
12 navigation.

13 (2) A pipeline owner or operator to provide notice to the appropriate regulatory
14 agencies and others of conditions that may present a hazard to recreational and commercial
15 maritime navigation.

16 (3) Signage provided by pipeline owners and operators for pipelines that traverse
17 waterways within the coastal zone.

18 (4) Marking any pipelines determined to have insufficient cover to warn recreational
19 and commercial maritime navigation of such hazards.

20 E. An assessment and evaluation of the adequacy of statutory and regulatory
21 authorities of the commissioner of conservation and the secretary of the Department of
22 Natural Resources to conduct inspections, obtain records, and take appropriate enforcement
23 action to compel compliance with the requirements necessary to protect recreational and
24 commercial maritime navigation from inadequately covered, marked, or protected pipelines.

25 F. An assessment and evaluation of the adequacy of funding of the programs related
26 to pipeline safety.

27 G. Recommendations to abate or mitigate hazards posed by inadequately covered,
28 marked, or protected pipelines.

29 BE IT FURTHER RESOLVED that the comprehensive assessment and evaluation
30 report and recommendations for any necessary statutory rule, regulation, or policy changes

1 be submitted to the House Committee on Natural Resources and Environment and the Senate
2 Committee on Natural Resources no later than March 1, 2015.

3 BE IT FURTHER RESOLVED that suitable copies of this Resolution be transmitted
4 to the secretary of the Department of Natural Resources, the commissioner of conservation,
5 the attorney general, and the legislative auditor.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Stokes

HCR No. 143

Urges and requests the commissioner of conservation and the secretary of the Dept. of Natural Resources, in consultation with the attorney general and with the assistance of the legislative auditor as requested, to cooperatively and jointly conduct a comprehensive assessment and evaluation of the hazards from pipelines inadequately covered, marked, or protected and no longer buried as originally designed or permitted and to make recommendations for any necessary statutory rule, regulation, or policy change in order to abate or mitigate such hazards.

Requests the report of the assessment and evaluation and recommendations be submitted to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources no later than March 1, 2015.