

ACT No. 72

2015 Regular Session

HOUSE BILL NO. 352

BY REPRESENTATIVE LEGER

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AN ACT

To amend and reenact R.S. 41:1702(C), (D)(introductory paragraph) and (1), (2)(a)(i), (ii)(introductory paragraph), (dd), (b), (d), and (f), (G)(1) and (2), (H), and (I), relative to land reclamation for coastal protection and restoration purposes; to provide relative to approval of land reclamation by an "acquiring authority" for integrated coastal protection purposes; to provide relative to the administrative responsibility for reclamation of lands lost through erosion, compaction, subsidence, and sea level rise; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 41:1702(C), (D)(introductory paragraph) and (1), (2)(a)(i), (ii)(introductory paragraph), (dd), (b), (d), and (f), (G)(1) and (2), (H), and (I) are hereby amended and reenacted to read as follows:

§1702. Reclamation of lands lost through erosion, compaction, subsidence, and sea level rise; land acquisition for certain coastal projects; requirements

* * *

C. Application for the reclamation or recovery of land lost through erosion, compaction, subsidence, or sea level rise shall be made to the ~~Department of Natural Resources~~ State Land Office, pursuant to Paragraph (D)(1) of this Section, on forms to be provided and with such reasonable fee as may be prescribed by the office, provided that all such applications shall be accompanied by a deed of ownership or a certified map or plat of survey prepared by a professional land surveyor qualified and currently licensed by the Louisiana Professional Engineering and Land Surveying Board in accordance with R.S. 37:681 et seq., defining the boundary

1 between lands belonging to the state and those of riparian owners and showing the
2 exact extent of land claimed to be lost through erosion, compaction, subsidence, or
3 sea level rise, and by such other evidence as may be required by the administrator
4 showing ownership of the riparian lands in question by the applicant.

5 D. In all cases in which a definitive boundary may be arrived at by mutual
6 consent or through the procedures applicable to contested boundaries, the
7 administrator of the State Land Office, as provided in Paragraph (1) of this
8 Subsection, or the ~~secretary of the Department of Natural Resources~~ executive
9 director of the Coastal Protection and Restoration Authority, as provided in
10 Paragraph (2) of this Subsection, may allow reclamation.

11 (1) The administrator of the State Land Office may issue a permit for the
12 carrying out of the work necessary to implement the recovery of the land lost through
13 erosion, compaction, subsidence, or sea level rise; however, no such permit shall be
14 issued until plans and specifications for such work have been first submitted to the
15 governing authority of the parish in which the proposed project is located, the
16 Department of Transportation and Development, the Department of Wildlife and
17 Fisheries, the ~~Office of Coastal Protection and Restoration~~ Authority, and the
18 Department of Natural Resources for review and comment not less than sixty days
19 prior to the issuance of such permit. No permit shall be required for projects to
20 facilitate the development, design, engineering, implementation, operation,
21 maintenance, or repair of ~~coastal or barrier island restoration~~ integrated coastal
22 protection projects by the ~~Office of Coastal Protection and Restoration~~ Authority
23 under R.S. 49:214.1 et seq. or other applicable law or projects for the Atchafalaya
24 Basin Program. Within sixty days of completion of the reclamation project, the
25 riparian owner shall submit to the State Land Office proof of the extent of the land
26 area actually reclaimed in the manner provided in Subsection C of this Section for
27 showing the submerged area, which map or plat shall be employed for fixing the
28 definitive boundary between the reclaimed land area and the state water bottoms.
29 Permits issued pursuant to these provisions shall be effective for a period not to
30 exceed two years from the date of issuance and shall thereupon expire. All work

1 remaining or any additional work may be completed only by application in the
2 manner provided by this Section.

3 (2)(a)(i) To facilitate the development, design, and implementation of ~~coastal~~
4 ~~conservation, restoration and protection plans and~~ integrated coastal protection
5 projects, including hurricane protection and flood control, pursuant to R.S. 49:214.1
6 et seq., the ~~secretary of the Department of Natural Resources~~ executive director of
7 the Coastal Protection and Restoration Authority, after consultation with other state
8 agencies, including the Department of Natural Resources and the State Land Office,
9 may enter into agreements with owners of land contiguous to and abutting navigable
10 water bottoms belonging to the state who have the right to reclaim or recover such
11 land, including all oil and gas mineral rights, as provided in Subsection B of this
12 Section, which agreements may establish in such owner the perpetual, transferrable
13 ownership of all subsurface mineral rights to the ~~then-existing~~ then-existing coast or
14 shore line. Such agreements may also provide for a limited or perpetual alienation
15 or transfer, in whole or in part, to such owner of subsurface mineral rights owned by
16 the state relating to the emergent lands that emerge from waterbottoms that are
17 subject to such owner's right of reclamation in exchange for the owner's compromise
18 of his ownership and reclamation rights within such area and for such time as the
19 ~~secretary~~ executive director deems appropriate and in further exchange for the
20 owner's agreement to allow his existing property to be utilized in connection with the
21 project to the extent deemed necessary by the ~~secretary~~ executive director.

22 (ii) When land is acquired from any person by an "acquiring authority" as
23 defined in R.S. 31:149, for the principal purpose of facilitating the development,
24 design, and implementation of ~~coastal conservation, restoration, protection or~~
25 ~~management plans and~~ integrated coastal protection projects, including hurricane
26 protection and flood control, by the state, its political subdivisions, or by the state
27 and federal government, the ~~secretary of the Department of Natural Resources~~
28 executive director of the Coastal Protection and Restoration Authority, after
29 consultation with other state agencies, including the Department of Natural
30 Resources and the State Land Office, may, in accordance with rules and regulations

1 (f) ~~The Department of Natural Resources~~ Coastal Protection and Restoration
 2 Authority shall provide an owner granted subsurface mineral rights pursuant to this
 3 Paragraph, recordable evidence of the rights transferred, which documents shall
 4 include an adequate legal description of the area subject to such owners' rights and
 5 a plat thereof. The owner shall be responsible for filing any such document in the
 6 conveyance records of the parish in which such property is located, which filing shall
 7 be public notice thereof.

8 * * *

9 G.(1) The administrator of the State Land Office shall have the authority to
 10 adopt regulations allowing reclamation of land in compliance with the provisions of
 11 Paragraph (D)(1) of this Section, and the ~~secretary of the Department of Natural~~
 12 ~~Resources~~ executive director of the Coastal Protection and Restoration Authority
 13 shall have the authority to adopt regulations pursuant to Paragraph (D)(2) of this
 14 Section.

15 (2) Permits may be granted for bulkheads, generally parallel to the shore,
 16 that do not interfere with navigation on any inland navigable water body whether or
 17 not the area to be bulkheaded eroded before July 1, 1921, if, on the basis of evidence
 18 furnished the administrator of the State Land Office, such bulkheading will aid in
 19 reclaiming submerged land or preventing erosion, compaction, or subsidence. No
 20 permit shall be required for projects to facilitate the development, design
 21 engineering, implementation, operation, maintenance, or repair of ~~coastal or barrier~~
 22 ~~island restoration~~ integrated coastal protection projects by the ~~Department of Natural~~
 23 ~~Resources~~ Coastal Protection and Restoration Authority under R.S. 49:214.1 et seq.
 24 or other applicable law or projects for the Atchafalaya Basin Program. Such permits
 25 shall not vest any title in any private owner other than as to lands eroded after July
 26 1, 1921.

27 * * *

28 H. No reclamation by a riparian landowner shall be permitted if, in the
 29 determination of the Department of Natural Resources, the State Land Office, the
 30 Coastal Protection and Restoration Authority, or the attorney general, such activity

