

2016 First Extraordinary Session

SENATE CONCURRENT RESOLUTION NO. 4

BY SENATOR CLAITOR

CONGRESS. Memorializes Congress to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues.

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A CONCURRENT RESOLUTION

To memorialize the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of Mexico to three marine leagues.

WHEREAS, in *United States of America v. States of Louisiana, Texas, Mississippi, Alabama, and Florida*, 363 U.S. 1 (1960), the seaward boundary of the state of Louisiana in the Gulf of Mexico was judicially determined by the United States Supreme Court to be three geographical miles, despite evidence showing that Louisiana's seaward boundary historically consisted instead of three marine leagues, a distance equal to nine geographic miles or 10.357 statute miles; and

WHEREAS, the seaward boundaries in the Gulf of Mexico for the states of Texas and Florida were determined to be three marine leagues; and

WHEREAS, the unequal seaward boundary imposed upon Louisiana has resulted in (1) economic disparity and hardship for Louisiana citizens and entities; (2) economic loss to the state of Louisiana and its political subdivisions; and (3) the inability of the state of Louisiana and its political subdivisions to fully exercise their powers and duties under the federal and state constitutions and state laws and ordinances, including but not limited to protection and restoration of coastal lands, waters, and natural resources, and regulation of activities affecting them; and

1 WHEREAS, in recognition of all of the above the Legislature of Louisiana in the
2 2011 Regular Session enacted Act No. 336, which amended Louisiana statutes to provide
3 that the seaward boundary of the state of Louisiana extends a distance into the Gulf of
4 Mexico of three marine leagues from the coastline, and further defines "three marine
5 leagues" as equal to nine geographic miles or 10.357 statute miles; and

6 WHEREAS, Act No. 336 further provides that the jurisdiction of the state of
7 Louisiana or any political subdivision thereof shall not extend to the boundaries recognized
8 in such Act until the United States Congress acknowledges the boundary described therein
9 by an Act of Congress or any litigation resulting from the passage of Act No. 336 with
10 respect to the legal boundary of the state is resolved and a final nonappealable judgment is
11 rendered; and

12 WHEREAS, through the federal Submerged Lands Act of 1953, Congress has the
13 power to fix the unequal disparity of the lesser seaward boundary forced upon Louisiana by
14 recognizing and approving that Louisiana's seaward boundary extends three marine leagues
15 into the Gulf of Mexico; and

16 WHEREAS, as shown by the national impact of natural and manmade disasters such
17 as hurricanes Katrina and Rita in 2005 and the Deepwater Horizon BP Oil Spill in 2010, the
18 seaward boundary of Louisiana is vital to the economy and well-being of the entire United
19 States, since among other benefits the Louisiana coastal area: (1) serves as both host and
20 corridor for significant energy and commercial development and transportation; (2) serves
21 as a storm and marine forces buffer protecting ports and the vast infrastructure of nationally
22 significant oil and gas facilities located in such area; (3) provides critical environmental,
23 ecological, ecosystem, and fish, waterfowl, and wildlife habitat functions; (4) provides
24 protection from storms for more than 400 million tons of water-borne commerce; and (5)
25 offers recreational and eco-tourism opportunities and industries that are known and
26 appreciated throughout the world; and

27 WHEREAS, the Louisiana coastal area accounts for 80% of the nation's coastal land
28 loss, with its valuable wetlands disappearing at a dramatically high rate of between 25-35
29 square miles per year; and

30 WHEREAS, hurricanes Katrina and Rita turned approximately 100 square miles of

1 southeast Louisiana coastal wetlands into open water, and destroyed more wetlands east of
2 the Mississippi River in one month than experts estimated to be lost in over 45 years; and

3 WHEREAS, the economic, environmental, and ecological damage of the Deepwater
4 Horizon BP Oil Spill is already calculated in terms of billions of dollars, and potential
5 longer-lasting impacts are still being determined; and

6 WHEREAS, adopted in 2006, the federal Gulf of Mexico Energy Security Act
7 (GOMESA) would provide ongoing revenues to Louisiana from federal oil revenue derived
8 from gulf leasing and drilling, with the first payment in 2017 estimated to be approximately
9 \$176 million, and with such monies dedicated to coastal restoration, hurricane protection and
10 coastal infrastructure; and

11 WHEREAS, despite strenuous objection, efforts are now underway to repeal or
12 amend GOMESA that would result in depriving Louisiana and other gulf coast states of such
13 monies; and

14 WHEREAS, the extension of Louisiana's seaward boundary into the Gulf of Mexico
15 for three marine leagues will provide a much-needed stream of revenue for use in the state's
16 ongoing efforts to clean up, rebuild, protect and restore the Louisiana coastal area from
17 losses suffered due to both natural and manmade disasters, and will benefit both the state and
18 the entire nation.

19 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana memorializes
20 the Congress of the United States to extend Louisiana's seaward boundary in the Gulf of
21 Mexico to three marine leagues.

22 BE IT FURTHER RESOLVED that a copy of this Resolution shall be transmitted
23 to the President of the United States, to the secretary of the United States Senate and the
24 clerk of the United States House of Representatives, and to each member of the Louisiana
25 delegation to the United States Congress.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry Jones.

DIGEST

SCR 4 Original

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Claitor

Memorializes Congress to extend Louisiana's seaward boundary in the Gulf of Mexico from
three geographical miles to three marine leagues.