

Regular Session, 2011

SENATE BILL NO. 145

BY SENATORS CLAITOR, ADLEY, AMEDEE, CHABERT, MICHOT, MORRISH, SMITH, ALARIO, APPEL, DONAHUE, ERDEY, GAUTREAUX, GUILLORY, HEITMEIER, KOSTELKA, LAFLEUR, LONG, MARTINY, MCPHERSON, MILLS, MORRELL, MOUNT, MURRAY, NEVERS, PERRY, SHAW, THOMPSON, WALSWORTH AND WILLARD-LEWIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

COASTAL RESOURCES. Provides relative to the gulfward boundary and coastline of Louisiana. (8/15/11)

1 AN ACT

2 To amend and reenact R.S. 49:1 and 2, and to enact R.S. 49:3.1, relative to the gulfward
3 boundary and coastline of Louisiana; to provide for such gulfward boundary and
4 coastline; to provide relative to state ownership and sovereignty; to provide certain
5 definitions, terms, conditions, and requirements; to provide relative to legislative
6 intent and purpose; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 49:1 and 2 are hereby amended and reenacted, and R.S. 49:3.1 is
9 hereby enacted, to read as follows:

10 §1. Gulfward boundary

11 A. The historic gulfward boundary of the state of Louisiana extends a
12 distance into the Gulf of Mexico 3 **three** marine leagues from coast **the coastline**.
13 **For the purposes of this Part, "three marine leagues" is equal to nine**
14 **geographic miles or 10.357 statute miles.**

15 ~~The coast or coast line of the state of Louisiana is accepted and approved as~~
16 ~~designated and defined in accordance with applicable Acts of Congress, as follows~~
17 ~~: From Ship Island Lighthouse to Chandeleur Lighthouse; thence in a curved line~~

1 following the general trend of the seaward, high-water shore lines of the Chandeleuer
 2 Islands to the Southwesternmost extremity of Errol Shoal; thence to Pass-a-Loutre
 3 lighted whistle buoy 4 to South Pass Lighted whistle buoy 2; thence to Southwest
 4 Pass entrance midchannel lighted whistle buoy; thence to Ship Shoal lighthouse;
 5 thence to Calcasieu Pass lighted whistle buoy 1; thence to Sabine Pass lighted
 6 whistle buoy 1, as designated and defined under authority of the Act of Congress of
 7 February 19, 1895, 28 Stat. 672, 33 U.S.C. 151 as amended, and as is shown on the
 8 attached chart showing the coast line of the state marked thus _____ and showing
 9 the State gulfward boundary by a solid line 3 marine leagues from coast, which chart
 10 shall be paraphrased by the Speaker of the House of Representatives, the President of
 11 the Senate and by the Governor to be identified herewith.

12 **B. The coastline of Louisiana shall be the line of ordinary low water**
 13 **along that portion of the coast which is in direct contact with the open sea and**
 14 **the line marking the seaward limit of inland waters, and shall be not less than**
 15 **the baseline defined by the coordinates set forth in *United States v. Louisiana*,**
 16 **422 U.S. 13 (1975), Exhibit "A". Under no circumstances shall the coastline of**
 17 **Louisiana be nearer inland than the baseline established by such coordinates.**

18 **C. No provision of this Section shall be construed to relinquish any**
 19 **dominion, sovereignty, territory, property, or rights of the state of Louisiana or**
 20 **its political subdivisions otherwise provided by law.**

21 §2. Sovereignty over waters within boundaries

22 **A.** Subject to the right of the government of the United States to regulate
 23 foreign and interstate commerce under Section 8 of Article 1 of the Constitution of
 24 the United States, and to the power of the government of the United States over cases
 25 of admiralty and maritime jurisdiction under Section 2 of Article 3 of the
 26 Constitution of the United States, **and the powers of the United States Coast**
 27 **Guard as provided by law to patrol and protect the navigable waters of the**
 28 **United States in the Gulf of Mexico,** the State of Louisiana has full sovereignty
 29 over all of the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico

1 within the boundaries of Louisiana, and over the beds and shores of the Gulf and all
2 arms of the Gulf within the boundaries of Louisiana.

3 **B. The state of Louisiana shall be entitled to all the lands, minerals and**
4 **other natural resources underlying the Gulf of Mexico, extending seaward from**
5 **its coastline for a distance of three marine leagues.**

6 * * *

7 **§3.1. Legislative intent and purpose**

8 **A. The gulfward boundary of the state of Louisiana historically consists**
9 **of three marine leagues, and it is the intent of the Legislature of Louisiana that**
10 **this historic gulfward boundary be recognized and enforced as law.**

11 **B. The unequal gulfward boundaries of Gulf Coast states set forth by the**
12 **United States Supreme Court in *United States of America v. States of Louisiana,***
13 ***Texas, Mississippi, Alabama, and Florida*, 363 U.S. 1 (1960), have resulted in (1)**
14 **economic disparity and hardship for Louisiana citizens and entities; (2)**
15 **economic loss to the state of Louisiana and its political subdivisions; and (3) the**
16 **inability of the state of Louisiana and its political subdivisions to fully exercise**
17 **their powers and duties under the federal and state constitutions and state laws**
18 **and ordinances, including but not limited to protection and restoration of**
19 **coastal lands, waters, and natural resources, and regulation of activities**
20 **affecting them.**

21 **C. It is the further intent of the Legislature of Louisiana that, in light of**
22 **the continuing effects of coastal erosion, subsidence, and land loss, the coastline**
23 **of Louisiana should be recognized as consisting of at least and not less than that**
24 **coastline defined by the coordinates set forth in *United States v. Louisiana*, 422**
25 **U.S. 13 (1975), Exhibit "A".**

The original instrument was prepared by Jerry G. Jones. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy Wells.

DIGEST

Claitor (SB 145)

Present law, enacted in 1954, relative to gulfward boundary and coastline of Louisiana provides that the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from the coast.

Proposed law provides that the historic gulfward boundary of the state of Louisiana extends a distance into the Gulf of Mexico 3 marine leagues from the coastline. Proposed law specifies that "3 marine leagues" is equal to 9 geographic miles or 10.357 statute miles.

Present law provides that the coast or coast line of the state of Louisiana is accepted and approved as designated and defined in accordance with applicable Acts of Congress, as follows: From Ship Island Lighthouse to Chandeleuer Lighthouse; thence in a curved line following the general trend of the seaward, high-water shore lines of the Chandeleuer Islands to the Southwestern most extremity of Errol Shoal; thence to Pass-a-Louvre lighted whistle buoy 4 to South Pass Lighted whistle buoy 2; thence to Southwest Pass entrance midchannel lighted whistle buoy; thence to Ship Shoal lighthouse; thence to Calcasieu Pass lighted whistle buoy 1; thence to Sabine Pass lighted whistle buoy 1, as designated and defined under authority of the Act of Congress of February 19, 1895, 28 Stat. 672, 33 U.S.C. 151 as amended, and as is shown on the attached chart showing the coast line of the state marked thus _____ and showing the State gulfward boundary by a solid line 3 marine leagues from coast, which chart shall be paraphrased by the Speaker of the House of Representatives, the President of the Senate and by the Governor to be identified herewith.

Proposed law provides that the coastline of Louisiana shall be the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and shall be not less than the baseline defined by the coordinates set forth in *United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit "A".

Proposed law further provides that no provision of the proposed law shall be construed to relinquish any dominion, sovereignty, territory, property, or rights of the state of Louisiana or its political subdivisions otherwise provided by law.

Present law provides that subject to the right of the government of the United States to regulate foreign and interstate commerce under Section 8 of Article 1 of the Constitution of the United States, and to the power of the government of the United States over cases of admiralty and maritime jurisdiction under Section 2 of Article 3 of the Constitution of the United States, and the powers of the US Coast Guard as provided by law to patrol and protect the navigable waters of the United States in the Gulf of Mexico, the State of Louisiana has full sovereignty over all of the waters of the Gulf of Mexico and of the arms of the Gulf of Mexico within the boundaries of Louisiana, and over the beds and shores of the Gulf and all arms of the Gulf within the boundaries of Louisiana.

Proposed law retains present law and adds that the state of Louisiana shall be entitled to all the lands, minerals and other natural resources underlying the Gulf of Mexico, extending seaward from its coastline for a distance of three marine leagues.

Proposed law further provides that:

- (a) The gulfward boundary of the state of Louisiana historically consists of three marine leagues, and it is the intent of the Legislature of Louisiana that this historic gulfward boundary be recognized and enforced as law.

- (b) The unequal gulfward boundaries of Gulf Coast states set forth by the United States Supreme Court in *United States of America v. States of Louisiana, Texas, Mississippi, Alabama, and Florida*, 363 U.S. 1 (1960), have 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.
- (c) It is the further intent of the Legislature of Louisiana that, in light of the continuing effects of coastal erosion, subsidence, and land loss, the coastline of Louisiana should be recognized as consisting of at least and not less than that coastline defined by the coordinates set forth in *United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit "A".

Effective August 15, 2011.

(Amends R.S. 49:1 and 2; adds R.S. 49: 3.1)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Specifies that "3 marine leagues" is equal to 9 geographic miles or 10.357 statute miles.
2. Prohibits the coastline to be nearer inland than the baseline established by the coordinates set forth in case law (*United States v. Louisiana*, 422 U.S. 13 (1975), Exhibit "A").
3. Confirms the powers of the US Coast Guard as provided by law to patrol and protect the navigable waters of the United States in the Gulf of Mexico.