

Existing law provides that no person shall dump or discharge or permit to be dumped or discharged into any waters or drains of the state any trees or other objects, substances, or materials which might interfere with the drainage.

Existing law provides that no person shall willfully obstruct any natural or artificial drainage canal, creek, bayou, or small river, or any public or private drainage.

New law provides that no landowner shall refuse to grant access to any natural or artificial public drainage by a local governing authority, drainage district, or other public entity charged with maintaining the public drainage when they have been given 30 days written notice before the commencement of maintenance activities and an opportunity for a hearing before the governing board of the city or parish where the landowner's property is located, subject to judicial review.

New law provides that in any action in a court of competent jurisdiction where the court is required to determine the right of access to the public drainage, the prevailing party shall be entitled to an award of court costs and attorney fees incurred by the prevailing party.

New law defines "public drainage" as any existing natural or artificial drainage ditch, drain, culvert, canal, creek, bayou, or small river.

New law defines "reasonable surface access" as the utilization of existing ingress and egress points on a landowner's property so as not to disrupt the activities of the landowner or cause damage to the property.

Effective Aug. 1, 2014.

(Adds R.S. 38:215.1)