
HOUSE COMMITTEE AMENDMENTS

2015 Regular Session

Amendments proposed by House Committee on Natural Resources and Environment to
Original House Bill No. 352 by Representative Leger

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and on line 2, delete
3 "paragraph," and insert in lieu thereof the following:

4 "R.S. 41:1702(C), (D)(introductory paragraph), (1), (2)(a)(i),
5 (ii)(introductory paragraph), (dd), (b), (d), and (f), (G)(1) and (2), (H), and
6 (I),"

7 AMENDMENT NO. 2

8 On page 1, line 5, after "purposes;" insert "to provide relative to the administrative
9 responsibility for reclamation of lands lost through erosion, compaction, subsidence, and sea
10 level rise;"

11 AMENDMENT NO. 3

12 On page 1, line 8, after "Section 1." delete the remainder of the line and on line 9 delete
13 "paragraph" and insert in lieu thereof the following:

14 "R.S. 41:1702(C), (D)(introductory paragraph), (1), (2)(a)(i),
15 (ii)(introductory paragraph), (dd), (b), (d), and (f), (G)(1) and (2), (H), and
16 (I)"

17 AMENDMENT NO. 4

18 On page 1, between lines 12 and 13, insert the following:

19 "C. Application for the reclamation or recovery of land lost through
20 erosion, compaction, subsidence, or sea level rise shall be made to the
21 ~~Department of Natural Resources~~ State Land Office, pursuant to Paragraph
22 (D)(1) of this Section, on forms to be provided and with such reasonable fee
23 as may be prescribed by the office, provided that all such applications shall
24 be accompanied by a deed of ownership or a certified map or plat of survey
25 prepared by a professional land surveyor qualified and currently licensed by
26 the Louisiana Professional Engineering and Land Surveying Board in
27 accordance with R.S. 37:681 et seq., defining the boundary between lands
28 belonging to the state and those of riparian owners and showing the exact
29 extent of land claimed to be lost through erosion, compaction, subsidence, or
30 sea level rise, and by such other evidence as may be required by the
31 administrator showing ownership of the riparian lands in question by the
32 applicant."

33 AMENDMENT NO. 5

34 On page 1, line 16, before "Coastal" insert "executive director of the"

35 AMENDMENT NO. 6

36 On page 1, delete line 19 in its entirety and insert the following:

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

25 AMENDMENT NO. 7

26 On page 2, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

27 "(2)(a)(i) To facilitate the development, design, and implementation
 28 of ~~coastal conservation, restoration and protection plans and~~ integrated
 29 coastal protection projects, including hurricane protection and flood control,
 30 pursuant to R.S. 49:214.1 et seq., the ~~secretary of the Department of Natural~~
 31 ~~Resources~~ executive director of the Coastal Protection and Restoration
 32 Authority, after consultation with other state agencies, including the
 33 Department of Natural Resources and the State Land Office, may enter into
 34 agreements with owners of land contiguous to and abutting navigable water
 35 bottoms belonging to the state who have the right to reclaim or recover such
 36 land, including all oil and gas mineral rights, as provided in Subsection B of
 37 this Section, which agreements may establish in such owner the perpetual,
 38 transferrable ownership of all subsurface mineral rights to the then existing
 39 coast or shore line. Such agreements may also provide for a limited or
 40 perpetual alienation or transfer, in whole or in part, to such owner of
 41 subsurface mineral rights owned by the state relating to the emergent lands
 42 that emerge from waterbottoms that are subject to such owner's right of
 43 reclamation in exchange for the owner's compromise of his ownership and
 44 reclamation rights within such area and for such time as the ~~secretary~~
 45 executive director deems appropriate and in further exchange for the owner's
 46 agreement to allow his existing property to be utilized in connection with the
 47 project to the extent deemed necessary by the ~~secretary~~ executive director."

48 AMENDMENT NO. 8

49 On page 2, at the beginning of line 9, before "Coastal" insert "executive director of the" and
 50 after "Authority" insert a comma "," and "after consultation with other state agencies,
 51 including the Department of Natural Resources and the State Land Office,"

1 AMENDMENT NO. 9

2 On page 2, line 12, after "agencies," insert "including the Department of Natural Resources
3 and the State Land Office,"

4 AMENDMENT NO. 10

5 On page 2, after line 16, add the following:

6 "(dd) Permanent easements, servitudes, rights-of-way, and rights of
7 use as necessary to facilitate the principal purposes of the acquisition. These
8 shall include, but are not limited to, those necessary for construction,
9 operation, maintenance, repair, replacement and rehabilitation of any projects
10 or cooperative agreements undertaken by the state or a political subdivision
11 for ~~coastal protection, conservation, restoration or management~~ integrated
12 coastal protection or by the state and federal governments pursuant to state
13 or federal law, including but not limited to, the Coastal Wetlands Planning,
14 Protection and Restoration Act, the Coastal Zone Management Act, the
15 Water Resources Development Act, the Coastal Impact Assistance Program,
16 and the North American Wetlands Conservation Act.

17 * * *

18 (b) In addition to the provisions of Subparagraph (a) of this
19 Paragraph, in the case of a project involving a barrier island, the ~~secretary~~
20 executive director may also require the owner to transfer title to all or a
21 portion of the island in exchange for any subsurface mineral rights acquired
22 by said owner.

23 * * *

24 (d) When the ~~secretary~~ executive director proposes to execute an
25 agreement by which an election pursuant to this Section is affected, the
26 ~~secretary~~ executive director shall first submit the agreement for review and
27 approval to the House Committee on Natural Resources and Environment
28 and the Senate Committee on Natural Resources, after publishing the
29 agreement as provided in the Administrative Procedure Act.

30 * * *

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

39 * * *

40 G.(1) The administrator of the State Land Office shall have the
41 authority to adopt regulations allowing reclamation of land in compliance
42 with the provisions of Paragraph (D)(1) of this Section, and the ~~secretary of~~
43 ~~the Department of Natural Resources~~ executive director of the Coastal
44 Protection and Restoration Authority shall have the authority to adopt
45 regulations pursuant to Paragraph (D)(2).

46 (2) Permits may be granted for bulkheads, generally parallel to the
47 shore, that do not interfere with navigation on any inland navigable water
48 body whether or not the area to be bulkheaded eroded before July 1, 1921,
49 if, on the basis of evidence furnished the administrator of the State Land
50 Office, such bulkheading will aid in reclaiming submerged land or
51 preventing erosion, compaction, or subsidence. No permit shall be required
52 for projects to facilitate the development, design engineering,
53 implementation, operation, maintenance, or repair of ~~coastal or barrier island~~
54 restoration integrated coastal protection projects by the ~~Department of~~
55 Natural Resources Coastal Protection and Restoration Authority under R.S.

1 49:214.1 et seq. or other applicable law or projects for the Atchafalaya Basin
2 Program. Such permits shall not vest any title in any private owner other
3 than as to lands eroded after July 1, 1921.

4 * * *

5 H. No reclamation by a riparian landowner shall be permitted if, in
6 the determination of the Department of Natural Resources, State Land Office,
7 the Coastal Protection and Restoration Authority, or the attorney general,
8 such activity would unreasonably obstruct or hinder the navigability of any
9 waters of the state or impose undue or unreasonable restraints on the state
10 rights which have vested in such areas pursuant to Louisiana law, and to that
11 extent the land area sought to be reclaimed may be limited.

12 I. Any person aggrieved either by a substantive agency decision
13 made pursuant to the provisions of this Section, including interlocutory
14 decisions relating to boundaries and determinations of areas reclaimed, or by
15 a failure of the agency to render such decisions timely, may seek immediate
16 judicial review of the agency action. Proceedings for review of decisions by
17 the Department of Natural Resources, Coastal Protection and Restoration
18 Authority, or the State Land Office may be instituted by filing a petition in
19 the Nineteenth Judicial District Court within thirty days after mailing of
20 notice of the final decision by the administrator or secretary. Any party may
21 request and be granted a trial de novo.

22 * * *"

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.