

2020 Regular Session

HOUSE BILL NO. 40

BY REPRESENTATIVE MACK

COASTAL RESOURCES: Requires that agreements between an acquiring agency and a landowner for integrated coastal protection projects ensure public recreational access to waterways in the reclaimed lands

1 AN ACT

2 To enact R.S. 41:1702(D)(2)(a)(ii)(gg), relative to reclamation of lands; to require that  
3 agreements between an acquiring agency and a landowner for integrated coastal  
4 protection projects ensure public recreational boating and fishing access to  
5 waterways in the acquired land; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 41:1702(D)(2)(a)(ii)(gg) is hereby enacted to read as follows:

8 §1702. Reclamation of lands lost through erosion, compaction, subsidence, and sea  
9 level rise; land acquisition for certain coastal projects; requirements

10 \* \* \*

11 D. In all cases in which a definitive boundary may be arrived at by mutual  
12 consent or through the procedures applicable to contested boundaries, the  
13 administrator of the State Land Office, as provided in Paragraph (1) of this  
14 Subsection, or the executive director of the Coastal Protection and Restoration  
15 Authority, as provided in Paragraph (2) of this Subsection, may allow reclamation.

16 \* \* \*

17 (2)(a)

18 \* \* \*

1 (ii) When land is acquired from any person by an "acquiring authority" as  
 2 defined in R.S. 31:149, for the principal purpose of facilitating the development,  
 3 design, and implementation of integrated coastal protection projects, including  
 4 hurricane protection and flood control, by the state, its political subdivisions, or by  
 5 the state and federal government, the executive director of the Coastal Protection and  
 6 Restoration Authority, after consultation with other state agencies, including the  
 7 Department of Natural Resources and the State Land Office, may, in accordance with  
 8 rules and regulations adopted in accordance with the Administrative Procedure Act  
 9 by the Coastal Protection and Restoration Authority after consultation with other  
 10 state agencies, including the Department of Natural Resources and the State Land  
 11 Office, enter into an agreement under this Section with respect to the ownership of  
 12 minerals and other matters to the same extent as authorized under Item (i) of this  
 13 Paragraph. In addition, such agreement shall, at a minimum, specify:

14 \* \* \*

15 (gg) That the public shall have access to waterways located in the acquired  
 16 land for navigation, boating, and recreational fishing.

17 \* \* \*

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 40 Original

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**Abstract:** Requires that agreements between an acquiring agency and a landowner for integrated coastal protection projects ensure public recreational boating and recreational fishing access to waterways in the acquired land.

Present law authorizes "acquiring authorities" to enter into agreements with respect to the ownership of minerals and surface rights for purposes of integrated coastal restoration projects.

Proposed law requires that the agreement contain a provision that ensures the public has access to the waterways in the acquired land for navigation, boating, and recreational fishing.

(Adds R.S. 41:1702(D)(2)(a)(ii)(gg))