

Regular Session, 2010  
HOUSE BILL NO. 1090

# ACT No. 734

BY REPRESENTATIVE DOVE AND SENATOR CHABERT

1 AN ACT

2 To amend and reenact R.S. 30:2459(A) and (D) and 2460(A)(14), R.S. 36:351(B), R.S.  
3 38:111, 112, 213, 221, and 226, R.S. 39:366.3(1) and 1482(A)(1)(a), R.S.  
4 41:1701.1(D) and 1702(D)(1), and R.S. 49:214.61(A) and to enact R.S. 39:14(7) and  
5 R.S. 49:214.5.2(F), 214.6.3(B)(5), and 214.6.10(C), relative to the Office of Coastal  
6 Protection and Restoration; to provide relative to the role of the Coastal Protection  
7 and Restoration Authority and the Office of Coastal Protection and Restoration in  
8 response to oil spills; to provide relative to responsibilities of the office with coastal  
9 levees; to provide relative to immunity for cooperating landowners; to provide for  
10 the responsibilities of the office in reclamation of land; to provide certain terms,  
11 conditions, and procedures; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. R.S. 30:2459(A) and (D) and 2460(A)(14) are hereby amended and  
14 reenacted to read as follows:

15 §2459. State oil spill contingency plan

16 A. The coordinator shall develop and distribute to the public a state oil spill  
17 contingency plan of response for actual or threatened unauthorized discharges of oil  
18 and clean up of pollution from such discharges. In addition, the Department of  
19 Environmental Quality, in cooperation with the coordinator, shall recommend  
20 provisions of the plan relating to unauthorized discharges of oil. The Department of  
21 Wildlife and Fisheries, in cooperation with the coordinator, shall recommend  
22 provisions of the plan providing for protection, rescue, and rehabilitation of aquatic  
23 life and wildlife and appropriate habitats on which they depend under its jurisdiction.

24 The director of the Office of Coastal Protection and Restoration, in cooperation with











1 Section 4. R.S. 39:366.3(1) and 1482(A)(1)(a) are hereby amended and reenacted  
2 and R.S. 39:14(7) is hereby enacted to read as follows:

3 §14. Exceptions

4 The following shall not be subject to the provision of R.S. 39:11 and 12 but  
5 shall be subject to the provisions of R.S. 39:13:

6 \* \* \*

7 (7) Any interest in immovable property, with the exception of the acquisition  
8 of full ownership, including but not limited to temporary easements, rights-of-way,  
9 rights-of-entry, predial servitudes, and personal servitudes acquired by the state for  
10 the purposes of integrated coastal protection as defined in R.S. 49:214.2(4).

11 \* \* \*

12 §366.3. Definitions

13 In this Part, the following words and terms shall have the meanings ascribed  
14 in this Section unless the context clearly requires otherwise:

15 (1) "Cooperative endeavor" means any agreement including one of  
16 cooperative financing, other than a competitive bid or competitively negotiated  
17 contract, whether contracted pursuant to Chapter 10 of Title 38 or Chapter 16 or 17  
18 of Title 39 of the Louisiana Revised Statutes of 1950 or pursuant to a request for  
19 proposals, request for qualifications, solicitation for offers, or other recognized  
20 process for competitively seeking qualified contractors, to which the state is a party  
21 and pursuant to which the state has obligated state resources, whether funds, credit,  
22 property, or things of value of the state to a nonpublic person for the accomplishment  
23 of a public purpose or in the public interest, but shall not include projects contained  
24 in the comprehensive state capital outlay budget, projects pursuant to the Governor's  
25 Economic Development Rapid Response Program, and ~~coastal restoration projects~~  
26 ~~administered by the Department of Natural Resources~~ integrated coastal protection  
27 programs and projects authorized in the annual coastal protection and restoration  
28 plan and administered by the Office of Coastal Protection and Restoration.

29 \* \* \*





1 §1702. Reclamation of lands lost through erosion, compaction, subsidence, and sea  
2 level rise; land acquisition for certain coastal projects; requirements

3 \* \* \*

4 D. In all cases in which a definitive boundary may be arrived at by mutual  
5 consent or through the procedures applicable to contested boundaries, the  
6 administrator of the State Land Office, as provided in Paragraph (1) of this  
7 Subsection, or the secretary of the Department of Natural Resources, as provided in  
8 Paragraph (2) of this Subsection, may allow reclamation.

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

30 \* \* \*

1 Section 6. R.S. 49:214.61(A) is hereby amended and reenacted and R.S.  
2 49:214.5.2(F), 214.6.3(B)(5), and 214.6.10(C) are hereby enacted to read as follows:

3 §214.5.2. Functions and responsibilities; Coastal Protection and Restoration

4 Authority

5 \* \* \*

6 F. Notwithstanding any law to the contrary, upon approval by the authority,  
7 the state, or any political subdivision thereof, may use its own employees or  
8 equipment for satisfying any mitigation requirements resulting from or related to an  
9 integrated coastal protection project.

10 \* \* \*

11 §214.6.3. Functions and responsibilities; hurricane protection and flood control

12 \* \* \*

13 B. Office of Coastal Protection and Restoration duties and responsibilities  
14 regarding hurricane protection and flood control:

15 \* \* \*

16 (5) No funds of the state nor of any political subdivision or political  
17 corporation of the state shall be used nor provided to the United States or any of its  
18 agencies, by contract, agreement, a required contribution of a project cost-share or  
19 otherwise, for the expropriation of property for the purpose of compensatory  
20 mitigation of wetlands or other natural habitat, as authorized or required by state or  
21 federal law, to offset, compensate, or replace actual or anticipated damages to or loss  
22 of wetlands or other natural habitat caused by the Comite River Diversion Project,  
23 Amite River and Tributaries, Louisiana. However, the provisions of this Section  
24 shall not apply where such funds are to be used to obtain property voluntarily offered  
25 for compensatory mitigation purposes, including but not limited to mitigation  
26 banking.

27 \* \* \*

