
DIGEST

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Howard

HB No. 423

Abstract: Provides relative to acquisition of property for wetlands mitigation associated with the Comite River Diversion Project.

Present law prohibits funds of the state nor of any political subdivision or political corporation of the state being used nor provided to the U.S. or any of its agencies, by contract, agreement, a required contribution of a project cost-share, or otherwise, for the expropriation of property for the purpose of wetlands mitigation in association with the Comite River Diversion Project.

Proposed law provides that if property is acquired for compensatory wetlands mitigation in association with the Comite River Diversion Project, such acquisition shall be only the minimum real property interest necessary to fulfill the wetlands mitigation requirement of the existing project agreement with the Corps of Engineers.

Further requires a conservation servitude to be imposed on any property so acquired with such servitude to retain or protect fish and wildlife mitigation lands, ecosystems, restorations, or other environmental purposes. Provides that the conservation servitude shall prohibit recreational activities on the area acquired but shall not restrict such activities on the existing channels of the Comite River. Provides that the conservation servitude grant passage to the Comite River for any property owner whose property has been acquired for these purposes. The servitude of passage shall not be heritable nor subject to transfer. It shall be subject to a permanent easement, servitude, right-of-way or right-of-use necessary for the state, a political subdivision of the state, or an agency of the federal government to operate, maintain, repair, or restore the mitigation area.

Proposed law further provides that these provisions are not applicable to property acquired through a mitigation bank.

(Amends R.S. 49:214.6.3(B)(5))