

# Committee on Natural Resources

Rob Bishop Chairman  
Mark-Up Memorandum

April 6, 2018

To: All Natural Resources Committee Members

From: Majority Committee Staff – Brandon Miller and Steven Parr  
Subcommittee on Federal Lands (x6-7736)

Mark-Up: **H.R. 3392 (Rep. Mike Johnson)**, To provide for stability of title to certain land in the State of Louisiana, and for other purposes.  
**April 11, 2018, 10:15 AM; 1324 Longworth House Office Building**

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## ***H.R. 3392, Lake Bistineau Land Title Stability Act***

### **Summary of the Bill**

H.R. 3392, introduced by Representative Mike Johnson (R-LA-04), resolves current uncertainty surrounding the title to certain lands along Lake Bistineau, Louisiana. Specifically, the bill directs the Secretary of the Interior to issue a recordable disclaimer of interest to the lands in question.

### **Cosponsors**

None.

### **Background**

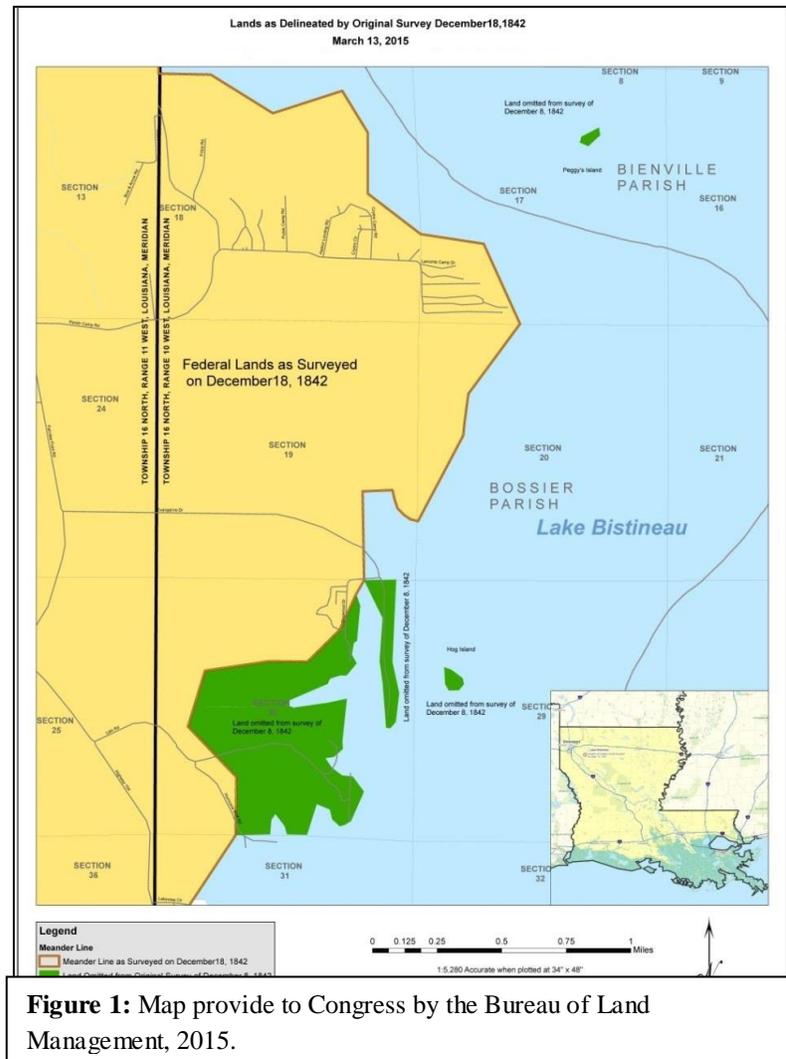
The U.S. Government ordered a survey of lands in Louisiana that included the area surrounding Lake Bistineau in 1842. In 1901, following the results of the survey, Louisiana delineated its ownership of lands under the Equal Footing Doctrine and transferred 7,000 acres of land around Lake Bistineau to the Commissioners of the Bossier Levee District. Three years later, the Commissioners of the Bossier Levee District conveyed this land to private ownership.

In 1967, the Bureau of Land Management (BLM) re-surveyed this land and two additional islands in the Lake, as indicated in Figure 1. The 1967 survey presented a new boundary line which differed from the what the federal government determined was the boundary of Lake Bistineau over 155 years earlier when Louisiana was admitted to the Union. Although BLM published a notice of the 1967 survey in the Federal Register in 1969, the agency did not notify all affected landowners of the survey's impact on land ownership or otherwise act to claim title to lands identified as belonging to the federal government.

Almost 50 years later, in 2013, BLM notified landowners that their property appeared “to be still vested in the United States” based on the results of the 1967 survey.<sup>1</sup> Since then, the federal government and over 50 landowners have been in a dispute over the ownership of roughly 200 acres of land.

H.R. 3392 would require the Secretary of the Interior to convey and disclaim any right, title or interest in the disputed lands. As a result, the bill would resolve current uncertainty regarding the applicable titles and ensure that the federal government has no ownership claims to any of the disputed land in the future.

Similar legislation, H.R. 3342 (114<sup>th</sup> Congress) sponsored by former Rep. John Fleming (R-LA) was favorably reported by the House Committee on Natural Resources on August 6, 2016.



**Figure 1:** Map provide to Congress by the Bureau of Land Management, 2015.

A Senate companion bill, S. 1219, was introduced by Senator Bill Cassidy (R-LA). The Senate Committee on Energy and Natural Resources held a hearing on the bill on February 7, 2018. S. 1219 is supported by Louisiana’s Attorney General and the Louisiana Landowners Association.

### Cost

A Congressional Budget Office cost estimate has not yet been completed for this bill.

### Administration Position

The Administration’s position is currently unknown. However, Brian Steed, the BLM Deputy Director for Policy and Programs, testified before the Senate Committee on Energy and Natural Resources on February 7, 2018, on S. 1219. The testimony indicated BLM shares:

<sup>1</sup> U.S. Department of the Interior, Letter to Mr. Davis Powell, Attorney for local landowners involved in the dispute, September 27, 2013.

the goal of providing legal certainty to those who hold title through the State in the approximately 230 acres outlined in S. 1219. However, the Department is concerned that the bill transfers Federal lands and mineral estate out of Federal ownership without equitable compensation to U.S. Taxpayers. We are mindful that legislated transfers of land and interests in and often promote varied public interest considerations. In these instances, the balancing of important public policy considerations, including ensuring a fair return for the American taxpayer, ultimately rests with Congress. The Department acknowledges the historical complexities associated with these lands and recognizes Congress' authority to resolve title conflicts unique to local communities where the public benefit may outweigh financial considerations. We would also like to work with the sponsor on language to simplify the proposal in order to achieve the sponsor's goals.<sup>2</sup>

### **Anticipated Amendments**

- Rep. Mike Johnson (R-LA) – Will propose an amendment to addresses technical changes.

### **Effect on Current Law (Ramseyer)**

None.

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<sup>2</sup> Testimony of Brian Steed, Deputy Director for Policy & Programs, Bureau of Land Management, U.S. Department of the Interior on February 7, 2018 before the Senate Committee on Energy and Natural Resources regarding S. 1219 [https://www.energy.senate.gov/public/index.cfm/files/serve?File\\_id=9A493719-CE84-47AC-A543-3642AA985EA0](https://www.energy.senate.gov/public/index.cfm/files/serve?File_id=9A493719-CE84-47AC-A543-3642AA985EA0)