

Calendar No. 690

115TH CONGRESS
2D SESSION**S. 1219**

To provide for stability of title to certain land in the State of Louisiana,
and for other purposes.

 IN THE SENATE OF THE UNITED STATES

MAY 24, 2017

Mr. CASSIDY introduced the following bill; which was read twice and referred
to the Committee on Energy and Natural Resources

NOVEMBER 29, 2018

Reported by Ms. MURKOWSKI, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

To provide for stability of title to certain land in the State
of Louisiana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “~~Lake Bistineau Land~~
5 ~~Title Stability Act~~”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) ~~FINDINGS.~~—Congress finds that—

1 (1) on December 8, 1842, the Surveyor General
2 approved an original survey of land in northern Lou-
3 isiana, which included the land surrounding Lake
4 Bistineau;

5 (2) under the equal footing doctrine, the State
6 of Louisiana was entitled to the land underlying the
7 navigable waters in place within the boundaries of
8 the State as of the date on which the State joined
9 the Union;

10 (3) the State of Louisiana delineated the owner-
11 ship of the land in the State based on the Original
12 Survey;

13 (4) in 1901, the State of Louisiana—

14 (A) transferred more than 7,000 acres of
15 land to the commissioners of the Bossier Levee
16 District through Louisiana Act Number 89 of
17 1892; and

18 (B) conducted a survey that followed the
19 same path around Lake Bistineau as the path
20 included in the Original Survey;

21 (5) in 1904, the Bossier Levee District subse-
22 quently conveyed the land described in paragraph
23 (4)(A) to private ownership;

1 (6) parcels of the land described in paragraph
2 (4)(A) were bought and sold in good faith based on
3 the stability of the title to the land;

4 (7) on September 16, 1967, the Bureau of
5 Land Management submitted a resurvey of the land
6 described in paragraph (4)(A) for ~~S30-T16N-R10W~~
7 and 2 adjacent islands, which presented a new line
8 to represent what the Bureau of Land Management
9 surveyors believed to be the contour of Lake
10 Bistineau as of the date on which the State of Lou-
11 isiana joined the Union;

12 (8) on January 15, 1969, the Bureau of Land
13 Management approved the Resurvey;

14 (9) on February 27, 1969, notice of the filing
15 of the Resurvey was filed in the Federal Register
16 (34 Fed. Reg. 2677), but the Bureau of Land Man-
17 agement has presented no records of further notice
18 provided to the affected landowners regarding—

19 (A) the effects of the Resurvey; or

20 (B) the right of affected landowners to
21 contest the Resurvey;

22 (10) on September 27, 2013, the Bureau of
23 Land Management responded to an inquiry by cer-
24 tain owners of land subject to the Resurvey to in-
25 form the landowners that title to the land of the

1 landowners would “appear to be still vested in the
2 United States”; and

3 ~~(1)~~ there are estimated to be more than 200
4 acres of, and more than 50 residential homes located
5 on, the land subject to the Resurvey.

6 ~~(b)~~ PURPOSE.—The purpose of this Act is to direct
7 the Secretary of the Interior to issue a recordable dis-
8 claimer of interest of the United States in and to—

9 ~~(1)~~ any land described in paragraphs ~~(1)~~ and
10 ~~(2)~~ of subsection ~~(b)~~ of section 4 that is located out-
11 side the record meander lines described in that sub-
12 section; and

13 ~~(2)~~ any omitted land.

14 **SEC. 3. DEFINITIONS.**

15 In this Act:

16 ~~(1)~~ OMITTED LAND.—The term “omitted land”
17 means any land in S30–T16N–R10W, including ad-
18 jacent islands and the meander lines of the water
19 body, that was in place during the Original Survey,
20 but that was not included in the Original Survey, re-
21 gardless of whether the exclusion of the land was
22 due to gross error in the Original Survey or fraud
23 by any individual conducting the Original Survey.

24 ~~(2)~~ ORIGINAL SURVEY.—The term “Original
25 Survey” means the survey of land in northern Lou-

1 isiana approved by the Surveyor General on Decem-
 2 ber 8, 1842.

3 (3) RESURVEY.—The term “Resurvey” means
 4 the document entitled “Dependent Re-Survey, Ex-
 5 tension Survey and Survey of Two Islands, Sections
 6 17, 29, and 30”, which was completed on November
 7 24, 1967, approved on January 15, 1969, and pub-
 8 lished in the Federal Register on February 27, 1969
 9 (34 Fed. Reg. 2677).

10 (4) SECRETARY.—The term “Secretary” means
 11 the Secretary of the Interior.

12 **SEC. 4. LEGAL STATUS OF RESURVEY.**

13 (a) IN GENERAL.—The Resurvey—

14 (1) shall not be considered to be, or serve as,
 15 a gross error determination; and

16 (2) shall have no legal force or effect on the
 17 ownership of the land described in paragraphs (1)
 18 and (2) of subsection (b).

19 (b) MEANDER LINES.—The meander lines in the
 20 Original Survey are definitive for purposes of determining
 21 title to—

22 (1) the land in S30-T16N-R10W; and

23 (2) the 2 islands adjacent to the land described
 24 in paragraph (1).

25 (c) DISCLAIMER OF INTEREST.—

1 (1) ~~IN GENERAL.~~—The Secretary shall prepare
 2 a disclaimer of interest in which the United States
 3 disclaims any right, title, or interest of the United
 4 States in and to—

5 (A) any land described in paragraphs (1)
 6 and (2) of subsection (b) that is located outside
 7 the recorded meander lines described in that
 8 subsection; and

9 (B) any omitted land.

10 (2) ~~FILING.~~—The Secretary shall record the
 11 disclaimer of interest prepared under paragraph (1)
 12 in the appropriate local office in the State of Lou-
 13 isiana in which real property documents are re-
 14 corded.

15 (3) ~~INCLUSIONS.~~—The disclaimer of interest
 16 filed under paragraph (2) shall include legal descrip-
 17 tions of the land subject to the disclaimer of interest
 18 using the lot or tract numbers included in the Re-
 19 survey.

20 **SECTION 1. SHORT TITLE.**

21 *This Act may be cited as the “Lake Bistineau Land*
 22 *Title Stability Act”.*

23 **SEC. 2. DEFINITIONS.**

24 *In this Act:*

1 (1) *CLAIMANT.*—*The term “claimant” means*
 2 *any individual, group, or corporation authorized to*
 3 *hold title to land or mineral interests in land in the*
 4 *State of Louisiana with a valid claim to the omitted*
 5 *land, including any mineral interests.*

6 (2) *MAP.*—*The term “Map” means the map enti-*
 7 *tled “Lands as Delineated by Original Survey Decem-*
 8 *ber 18, 1842 showing the 1969 Meander Line at the*
 9 *148.6 Elevation Line” and dated January 30, 2018.*

10 (3) *OMITTED LAND.*—

11 (A) *IN GENERAL.*—*The term “omitted land”*
 12 *means the land in lots 6, 7, 8, 9, 10, 11, 12, and*
 13 *13 of sec. 30, T. 16 N., R. 10 W., Louisiana Me-*
 14 *ridian, comprising a total of approximately*
 15 *229.72 acres, as depicted on the Map, that—*

16 (i) *was in place during the Original*
 17 *Survey; but*

18 (ii) *was not included in the Original*
 19 *Survey.*

20 (B) *INCLUSION.*—*The term “omitted land”*
 21 *includes—*

22 (i) *Peggy’s Island in lot 1 of sec. 17,*
 23 *T. 16 N., R. 10 W., Louisiana Meridian;*
 24 *and*

1 (ii) *Hog Island in lot 1 of sec. 29 , T.*
2 *16 N., R. 10 W., Louisiana Meridian.*

3 (4) *ORIGINAL SURVEY.—The term “Original*
4 *Survey” means the survey of land surrounding Lake*
5 *Bistineau, Louisiana, conducted by the General Land*
6 *Office in 1838 and approved by the Surveyor General*
7 *on December 8, 1842.*

8 (5) *SECRETARY.—The term “Secretary” means*
9 *the Secretary of the Interior.*

10 **SEC. 3. CONVEYANCES.**

11 (a) *IN GENERAL.—Consistent with the first section of*
12 *the Act of December 22, 1928 (commonly known as the*
13 *“Color of Title Act”) (45 Stat. 1069, chapter 47; 43 U.S.C.*
14 *1068), except as provided by this Act, the Secretary shall*
15 *convey to the claimant the omitted land, including any*
16 *mineral interests, that has been held in good faith and in*
17 *peaceful, adverse possession by a claimant or an ancestor*
18 *or grantor of the claimant, under claim or color of title,*
19 *based on the Original Survey.*

20 (b) *CONFIRMATION OF TITLE.—The conveyance or pat-*
21 *ent of omitted land to a claimant under subsection (a) shall*
22 *have the effect of confirming title to the surface and min-*
23 *erals in the claimant and shall not serve as any admission*
24 *by a claimant.*

1 **SEC. 4. PAYMENT OF COSTS.**

2 (a) *IN GENERAL.*—*Except as provided in subsection*
3 *(b), the conveyance required under section 3 shall be with-*
4 *out consideration.*

5 (b) *EXCEPTION.*—*Before the conveyance of the omitted*
6 *land under section 3, the claimant shall pay to the Sec-*
7 *retary any costs incurred by the Secretary relating to any*
8 *survey, platting, legal description, or associated activities*
9 *required to prepare and issue a patent under that section.*

10 **SEC. 5. MAP AND LEGAL DESCRIPTION.**

11 *As soon as practicable after the date of enactment of*
12 *this Act, the Secretary shall file, and make available for*
13 *public inspection in the appropriate offices of the Bureau*
14 *of Land and Management, the Map and legal descriptions*
15 *of the omitted land to be conveyed under section 3.*

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