

Louisiana's Seaward Boundaries

Louisiana's Seaward Boundary

- Louisiana Revised Statute 49:§§1&2 asserted a three marine league territorial sea in 1954.
- *U.S. v. States of Louisiana, Texas, Mississippi, Alabama, and Florida* in 1960 held that Louisiana has a three mile territorial sea.
- Act 336 of the 2011 Regular Session of the Louisiana Legislature amended and reenacted 49:§§1&2 and enacted 49:§3.1 to reiterate and reassert the claim of a three marine league boundary.

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- Act 336 claims that the unequal Gulf boundaries cause “economic disparity and hardship”, “economic loss” and the inability to restore and protect coastal natural resources.
- The Act also attempts reaffirm the holding of U.S. v. Louisiana 1975 that defined the state's coastline and 43 U.S.C 1301(b) that immobilizes that line so that it is non-ambulatory.

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- Act 336 states that Louisiana's jurisdiction shall not extend to three marine leagues until "the U.S. Congress acknowledges the boundary" or "any litigation" arising from the Act "is resolved and a final non-appealable judgment is rendered"

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- Louisiana Wildlife and Fisheries Commission
 - Appointed by the Governor
 - Established "To protect, conserve, and replenish the natural resources of the state, including aquatic life"
 - Has no explicit authority determine what constitutes state lands.

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- Louisiana Wildlife and Fisheries Commission
 - June 7th, 2012 voted to “implement” Act 336 by extending fisheries jurisdiction to three marine leagues(10.357 miles).

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- Louisiana Wildlife and Fisheries Commission
 - Excerpt from June Commission minutes:
 - "Louisiana was given three miles, but put a caveat in that there is historical evidence that Louisiana exercised their authority to include the offshore islands and out to three leagues, therefore, the **decision was clouded**. Secretary Barham stated that the Legislature took action last year, and it was signed by the Governor, declaring that our position is that our authority extends three leagues, or 10.35 statute miles offshore. He stated that **there is language in the act that says it will not be effective until Congress acts or the court finally makes a decision, but they will never take action if we do not.**"

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- LA Department of Wildlife and Fisheries
 - Has not yet taken any enforcement action
 - They are in an “educational period” - not issuing citations but telling people in the “new state waters” they will soon be subject to Louisiana laws
 - State shrimping laws will be more restrictive than in federal waters but enforcement agents are not telling shrimpers when enforcement will start.
 - The Commission has not voted to “be non-compliant” this year either in the three mile or three marine league area

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- LA Department of Wildlife and Fisheries
 - Is angling for regional management of fisheries possibly a weekend only season for red snapper.
- Texas is not complying with the FMP for Red snapper in state waters and the council has yet to take any action against the state

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- Louisiana Attorney General's Office
 - U.S. Coast Guard has threatened to sue the state if they try to enforce state law or frustrate federal law outside the three mile boundary. LA AG has told them the state is not taking any action at this point.
- Wait and See?