

20141028 - FOA Board meeting - 6:30 PM - Audubon Office

Attendees:

Board Members: Willie Fontenot, Charlie Fryling, Jim Delahoussaye, Carolyn Delahoussaye, Ray Brassieur
 Advisors/Members: Don Haydel, ABP/DNR; Karen Wesphal, Audubon; April Newman, ABP/DNR; Charles Reulet, ABP/DNR; Woody Martin, Sierra

Guests: Marty Beasley, LA State Lands Administrator

Pre-meeting:

Discussions included a new landowner coop in the Basin, the State suing the Corp over 100% funding for MRGO restoration and Grand Lake group trips.

Charlie - opened meeting at 6:45 PM

All attendees introduced themselves.

Charlie noted that last month's meeting did not have a quorum but informal discussions centered on the proposal for a Lake Fausse Pt conservation area; Woody sent a letter to Marty and was answered and the Board wanted to hear from State Lands to clear up concerns and questions. Charlie thought that State Lands officials might be inclined to be in support of the designation. FOA likes to work with agencies and exchange ideas to help in whatever way FOA can.

Special Discussion with SLO Administrator Marty Beasley

Mr. Beasley stated that he understands that FOA would like to have a boundary survey to establish state waterbottoms. He is not a surveyor so he can't speak to all of the challenges, but he has a limited staff and would probably have to contract out for expertise in this area. There is currently a big push to sell state property and current surveyors are busy doing those priority activities. State Lands personnel are not practical for work in this area.

Charlie asked how a landowner would know where the boundary are.

Mr. Beasley stated that the ordinary high water mark limit over a 19 year cycle is usually used as the extent of a water bottom. The definition is different for bayous and streams. Digitize along land/water interface. A GIS plot is not of sufficient accuracy/resolution for a legal boundary. A landowner has to pay for a legal survey. For a natural navigable waterbody that existed in the year 1812, the land surveys from the 1800s are used. If there has been subsidence, the state can't claim it because it wasn't navigable in 1812. We can't claim canals. Waterways may silt in and be no longer navigable, and so may become insusceptible (lose ownership). The riparian landowner gets areas of accretion. Bays and lakes that fill in become state property.

Charlie asked if activity adjacent to the water require permits?

Mr. Beasley answered that it depends on the type of activity; land fill needs a permit. Someone can't alienate a water bottom.

Cutting state trees is another issue. The State doesn't have the staff to police all State lands. State lands include 5 million acres of water bottom and a total of 500 million acres, policed by 5 people.

Pipeline work requires the acquisition of rights of way. A joint permit is required. [ed. note: I assume this means from the State and the Corps of Engineers?]

Willy asked what kind of staff the state would need to manage the state property?

Mr. Beasley answered that he would need a field crew specifically for the Atchafalaya Basin. The State Land Office once had a crew, but didn't replace those that moved on.

Charlie asked about minerals.

Mr. Beasley indicated that he was only involved when it was necessary to make a claim of state ownership, and then, would have to rely on professional survey personnel.

Ray was interested in the historical aspects of the high-water mark of 1812.

Mr. Beasley stated that when water levels change and high water marks shift, boundaries change. It is not unusual to have a dual claim of ownership of waterbodies if the oldest maps don't show navigable waterbodies that were actually there.

In lacustrine, or still lake areas (i.e. non-navigable), the mean low water mark is the boundary.

Document Reference: explains case law for water bottoms. By Glen Kent. History of land titles by Poirrer also available.

For water bottoms, the legal boundary is the one that existed before being influenced by activities of man. [ed. note. Is this interpretation of the discussion correct.]

Charlie asked if there has been any judgement in the floodway.

Mr. Beasley noted that there has been none in the basin that claim flood control affected the boundaries.

The LA State Lands Office has a total staff of 18; Texas has 270 on staff.

Mr. Beasley suggested that one of the best ways to save the area would be to make it into a National Park. There should be full support from the administration [ed. note: State or Federal?] for that. The State cannot give land to the federal government, but can enter an agreement for full use for 99 years. The process would start with the State Lands

Office or with the National Park that plans to use the property. Lawyers would get together to discuss how it can be used. Standards are “squishy.”

Mr. Beasley opined that there would probably be no opposition from the State as long as the State is not liable for claims on the State land.

Mr. Beasley noted that camps on state lands have to have a campsite lease, but SLO doesn't have the staff to police the leases properly. SLO can't devote a person to the Basin. SLO once had a field staff of eight but now has only four. He noted that a channel one chain wide (60') was considered navigable during original surveys.

The proponents should use other parks as a model for the process. State Lands enters into agreements with other entities frequently: feds, parishes, etc., but it is unusual for an area to become a National Park.

Ray noted that there is a Native American tribe (The Chitimacha) living in the area, whose ancestors created the historical sites and who want them protected. Tribal members may want to interact with NPS to staff the Park and interpret sites.

Ray also suggested that it might be wise to have more statements about what you intend to do there as a park: conservation and preservation, public use and what range of use, what restrictions. Does that keep out traditional hunting/fishing? But restrict timber harvest? Many people just don't trust the feds under any circumstances.

Mr. Beasley asked what impact a National Park would have on the existing State Park (Lake Fausse Pointe.) He was not sure that the State would want to transfer state park to Federal control. How much revenue does it generate?

Carolyn noted that some specific person is needed to spearhead the effort to designate the area.

Jim noted that Harold Shoeffler has been doing that independently. He stated that this was the first conversation he has heard with constructive ideas and Harold was not here.

Woody stated that Harold has talked about this within the Sierra Club, so he is represented. FOA could take leadership on the effort, but Harold will probably proceed on his own.

Ray thought that we have a Model with Lake Fausse Pointe State Park; do we want cabin rentals, etc?

Karen asked, “If the cypress trees that Harold wants to preserve are proved to be privately owned, is it worth pursuing NP status? “

Charlie said that we are assuming the high water mark has expanded the boundary.

Mr. Beasley noted that we should be careful about assuming that the high water mark is under the trees.

Charlie asked how much a survey would cost but Mr. Beasley did not know.

Jim asked about the benefits to the State? He noted that the levee road from Charenton to Morgan City is not black-topped but is supposed to be a hurricane evacuation route. He also noted that accretion is filling in the lower portion of the proposed lake area to less than a foot deep, probably from agricultural runoff.

Someone noted that leases for houseboats are obtained for 10 years at a time and leasees are required to put in \$2000 in improvements/year to retain them; but leases inside the floodway are exempt from requiring improvements, presumably because the improvements would constitute development and would be subject to flood damage.

Don noted that most people have seen the process as a local issue but it involves the delegation in Washington convincing their partners to put in for a park. A petition and campaign to get people to accept the idea might be needed. If there is a lot of local opposition it would not make it. The supporters will have to show widespread public support in the state, starting with the surrounding communities.

Woody suggested that the Sierra Club and this group [FOA] should be able to rough something out to start. One initial problem was media getting wind before the idea was formed and bringing out negative concerns. We don't want local people to think tree-huggers are trying to keep everyone out.

Don said that he is already getting calls from people wanting to know “who is trying to take over the Basin.”

Ray [?] suggested that we get the Heritage Area involved.

Charlie Fryling invited Mr. Beasley to any of the FOA meetings.

8:40 – Marty left

Woody suggested we need special meeting just on this topic and should invite other NGOs and groups at a different venue. A larger venue would be needed and it probably should be on a Saturday. Woody has a preliminary draft of a vision statement that he would be willing to share. He suggested that a January date would work best, so that we don't lose momentum over the holidays. Jan 17 or 24 were suggested. We should make sure that Charles, Harold, Debra Credeur, and a Chitimacha representative are available.

Henderson City Hall, Iberville Visitor Center, and the Lake Fausse Point Conference Center were suggested as meeting sites. Woody will check on availability.

Old Business

Reports

Don - ABP Update

R&P board draft plan on public meeting circuit

ABP received approval to officially amend funding distribution plans.

They have money to design the redesignated projects.

ABP has received permission from the landowner for the Pigeon Bay project to proceed!!!

Now, they just need money.

Note: Marty Beasley is officially no longer the administrator of State Lands Office

There was some discussion of the letter sent to Mr. Beasley.

Jim reported that publication on Indian site north of Lake Dautreve to come out in La Archeological Society Bulletin in mid-spring.

Next meeting place and time

The group agreed to use the next FOA meeting on Nov 25, before Thanksgiving, as a working session on the National Park idea. The meeting cannot be at NAS (Karen has no Tuesdays available in November).

The Delahousees offered their home. Woody will try to bring Harold in to make sure we don't duplicate effort.

The December meeting will be a party at Charlie Fryling's house.

adjourned at 9:20 PM