

2017 Regular Session

HOUSE RESOLUTION NO. 178

BY REPRESENTATIVES GISCLAIR AND GAROFALO

A RESOLUTION

To authorize and direct Louisiana Sea Grant to facilitate a study of the possible establishment of a voluntary public recreation servitude of use of certain waterways.

WHEREAS, Louisiana, and particularly its coastline, is home to some of the most sought-after hunting, fishing, and nature-viewing opportunities in the world; and

WHEREAS, in many cases along this state's coastline, there are no roads or highways allowing the public to access and enjoy these activities; therefore, the public must rely on the waterways for access; and

WHEREAS, the coastal regions are subject to both public and private ownership, and due to the constantly changing nature of the coastline, many boundaries delineating the ownership of state and private properties have either disappeared or have become indistinguishable, particularly where property has become submerged; and

WHEREAS, in many cases the State Land Office has classified the submerged lands as claimed by the state and the adjoining landowner causing additional confusion for those persons attempting to hunt, fish, or partake in other outdoor recreational activities, or for those who are simply attempting to traverse a body of water to an area clearly open to the public; and

WHEREAS, as a partial remedy to the rising problems of the public's use of submerged lands and the conflicts with the owners of private property, it may be helpful to create a statutory framework establishing a voluntary public recreation servitude of use of certain waterways; and

WHEREAS, a voluntary public recreation servitude of use of waterways would be a servitude whereby the property owner's interests and title to the property are protected, possibly including limiting the liability of the owner, in return for the owner allowing public access to the property for the enjoyment of various recreational activities; and

WHEREAS, since the creation and ongoing management of a voluntary public recreation servitude of use of waterways would involve a detailed analysis of many issues of liability and protection of ownership, it would be beneficial to have input from various interested groups and parties familiar with the laws and the activities contemplated with the implementation of a voluntary public recreation servitude of use of waterways; and

WHEREAS, the Louisiana Sea Grant program has a long history of providing accurate, timely legal research on topics affecting the use, conservation, and management of Louisiana's coastal environment and resources; and

WHEREAS, with the input and advice from representatives of other interested organizations, groups, and individuals, including the State Land Office, the Department of Wildlife and Fisheries, the attorney general, the Coastal Protection and Restoration Authority, the Department of Natural Resources, the Louisiana Landowner's Association, the Coastal Conservation Association, the Louisiana Sportsman's Coalition, the Louisiana Mid-Continent Oil and Gas Association, the Louisiana Oil and Gas Association, the Police Jury Association, and other groups and stakeholders, Louisiana Sea Grant, acting as an independent facilitator, could recommend legislation to create a voluntary public recreation servitude of use of waterways to the House Committee on Natural Resources and Environment and the House Committee on Civil Law and Procedure; and

WHEREAS, in facilitating the research, Louisiana Sea Grant should focus on finding common ground among the various interested groups and individuals on issues of temporary access to traverse private water bottoms without causing any transfer, or risk of transfer, of the owner's property rights, including all surface and mineral rights and the non-interference with private commercial activity; and

WHEREAS, this research should also include a determination of the availability of federal funding for the research, projects, and incentives to those parties entering into a voluntary public recreation servitude of use of waterways.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct Louisiana Sea Grant to act as an independent facilitator for a study of the possible establishment of a voluntary public recreation servitude of use of certain waterways.

BE IT FURTHER RESOLVED that a written report of its progress, including its findings and recommendations, if any, be submitted to the House Committee on Natural Resources and Environment and the House Committee on Civil Law and Procedure no later than February 1, 2018.

BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted to the executive director of Louisiana Sea Grant, Robert R. Twilley, Ph.D.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES