

1 create a statutory framework establishing a voluntary public recreation servitude of use of
2 certain waterways; and

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

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

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

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

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

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

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

8 BE IT FURTHER RESOLVED that a written report of its findings and
9 recommendations be submitted to the House Committee on Natural Resources and
10 Environment and the House Committee on Civil Law and Procedure no later than February
11 1, 2018.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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2017 Regular Session

Gisclair

Directs Louisiana Sea Grant to facilitate the study of the possible establishment of a voluntary public recreation servitude of use of waterways.