HLS 18RS-3159 **ENGROSSED** 

2018 Regular Session

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HOUSE CONCURRENT RESOLUTION NO. 60

BY REPRESENTATIVES GAROFALO, GISCLAIR, BISHOP, AND STEVE CARTER

FISHING/RECREATIONAL: Establishes the Public Access to Waterways Task Force

A CONCURRENT RESOLUTION

2	To create a special task force to examine the many issues surrounding public access to
3	waterways and lands, particularly in the coastal areas of the state, without impairing
4	private property rights.
5	WHEREAS, Louisiana, particularly in its coastal area, is home to some of the most
6	sought-after hunting, fishing, and outdoor opportunities in the world but in many cases there
7	are no roads or highways that allow the public to access and enjoy these activities without
8	accessing private property in order to engage in these activities; and
9	WHEREAS, in the coastal area, land is owned both by public owners and by private
10	owners, and due to the constantly changing nature of the coastline, many boundaries
11	delineating the ownership of public and private land have either disappeared or have become
12	indistinguishable, particularly where property has become submerged; and
13	WHEREAS, again, largely in the coastal area, some submerged lands are claimed
14	both by the state and by the adjoining landowner causing additional confusion for those
15	persons attempting to hunt, fish, or partake in other outdoor recreational activities, or for
16	those who are simply attempting to traverse a body of water to an area clearly open to the
17	public; and
18	WHEREAS, as a partial remedy to the increasing problems of the public's use of
19	submerged lands and the conflicts with the owners of private property, it may be helpful to
20	create a statutory framework establishing a voluntary public recreational servitude of use of
21	certain waterways; and

WHEREAS, many people interested in these issues have suggested and requested
some form of a public recreational servitude or a servitude of use as a solution to the
problem of limitations on public access to those areas most attractive to outdoor recreation
seekers; 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 recreational servitude of use of waterways; and
WHEREAS, House Resolution No. 178 of the 2017 Regular Session of the
Legislature of Louisiana authored by Representative Jerry "Truck" Gisclair and co-authored
by Representative Ray Garofalo requested the Louisiana Sea Grant program to assemble
representatives of 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 Landowners
Association, the Coastal Conservation Association, the Louisiana Sportsmen's Coalition, the
Louisiana Mid-Continent Oil and Gas Association, the Louisiana Oil and Gas Association,
the Police Jury Association of Louisiana, and other groups and stakeholders, with Louisiana
Sea Grant acting as an independent facilitator, to possibly recommend legislation to create
a voluntary public recreational servitude of use of waterways; and
WHEREAS, in facilitating the research, the resolution asked Louisiana Sea Grant to
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, the resolution further requested that this research should also include
a determination of the availability of federal funding for the research, projects or incentives
to those parties entering into a voluntary public recreational servitude of use of waterways;
and

1	WHEREAS, on March 1, 2018, Louisiana Sea Grant, on behalf of the group that had
2	been assembled, submitted a report in response to the 2017 house resolution, a report that
3	contained a voluminous background analysis of the public access situation and multiple
4	options for improving the situation; and
5	WHEREAS, discussions that began as a result of House Resolution No. 178 of the
6	2017 Regular Session of the Legislature of Louisiana and an examination of the options
7	outlined in the report prepared in response to that resolution should move forward with the
8	intent to develop a regime that will allow greater public access to the waterways of
9	Louisiana without severely impacting the long-standing private property rights of
10	Louisianians.
11	THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
12	create a special task force to examine the many issues surrounding public access to
13	waterways and lands, particularly in the coastal areas of the state, without impairing private
14	property rights.
15	BE IT FURTHER RESOLVED that the task force shall be known as the Public
16	Access to Waterways Task Force, shall be chaired by the chair of the House Committee on
17	Civil Law, and shall be composed as follows:
18	(1) One member selected by the Louisiana Charter Boat Association.
19	(2) One member selected by the Coastal Conservation Association.
20	(3) One member selected by the Louisiana Sportsmen's Coalition.
21	(4) One member selected by the Louisiana Oil and Gas Association.
22	(5) One member selected by the Louisiana Mid-Continent Oil and Gas Association.
23	(6) One member selected by the Louisiana Landowners Association, Inc.
24	(7) One member representing Louisiana Sea Grant.
25	(8) One member representing the Coastal Protection and Restoration Authority.
26	(9) One member representing the Department of Wildlife and Fisheries.
27	(10) One member representing the Department of Natural Resources.
28	(11) One member representing the State Land Office.
29	(12) One member representing the Department of Justice.
30	(13) One member from the Louisiana Law Institute.

1 (14) The chair of the House Committee on Civil Law or a committee member 2 appointed by him. 3 (15) The chair of the Senate Judiciary A Committee or a committee member 4 appointed by him. 5 (16) The chair of the House Committee on Natural Resources and Environment or 6 a committee member appointed by him. 7 (17) The chair of the Senate Committee on Natural Resources or a committee 8 member appointed by him. 9 BE IT FURTHER RESOLVED that the task force shall meet upon the call of the chair; there shall be no compensation for participation on this task force; and members who 10 11 are state employees shall serve without compensation beyond that already given for their 12 regular employment with the state. 13 BE IT FURTHER RESOLVED that the task force shall submit a report to the House 14 Committee on Civil Law, the House Committee on Natural Resources and Environment, the 15 Senate Judiciary A Committee, and the Senate Committee on Natural Resources no later 16 than February 15, 2019, indicating progress by the task force including any 17 recommendations the task force may have for a legislative remedy to the issues before the

## 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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task force.

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Garofalo

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