2017 Regular Session

HOUSE RESOLUTION NO. 178

BY REPRESENTATIVE GISCLAIR

WATERWAYS/NAVIGATION: Directs Louisiana Sea Grant to facilitate the study of and make recommendations for the creation of a voluntary public recreation servitude of use of waterways

1	A RESOLUTION
2	To authorize and direct Louisiana Sea Grant to facilitate a study of the possible
3	establishment of a voluntary public recreation servitude of use of certain waterways.
4	WHEREAS, Louisiana, and particularly its coastline, is home to some of the most
5	sought-after hunting, fishing, and nature-viewing opportunities in the world; and
6	WHEREAS, in many cases along this state's coastline, there are no roads or
7	highways allowing the public to access and enjoy these activities; therefore, the public must
8	rely on the waterways for access; and
9	WHEREAS, the coastal regions are subject to both public and private ownership, and
10	due to the constantly changing nature of the coastline, many boundaries delineating the
11	ownership of state and private properties have either disappeared or have become
12	indistinguishable, particularly where property has become submerged; and
13	WHEREAS, in many cases the State Land Office has classified the submerged lands
14	as claimed by the state and 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 rising problems of the public's use of
19	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

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

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 1

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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

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.

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.

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)]

HR 178 Original

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