

1 WHEREAS, many people interested in these issues have suggested and requested
2 some form of a public recreational servitude or a servitude of use as a solution to the
3 problem of limitations on public access to those areas most attractive to outdoor recreation
4 seekers; and

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

10 WHEREAS, House Resolution No. 178 of the 2017 Regular Session of the
11 Legislature of Louisiana authored by Representative Jerry "Truck" Gisclair and co-authored
12 by Representative Ray Garofalo requested the Louisiana Sea Grant program to assemble
13 representatives of interested organizations, groups, and individuals, including the state land
14 office, the Department of Wildlife and Fisheries, the attorney general, the Coastal Protection
15 and Restoration Authority, the Department of Natural Resources, the Louisiana Landowners
16 Association, the Coastal Conservation Association, the Louisiana Sportsmen's Coalition, the
17 Louisiana Mid-Continent Oil and Gas Association, the Louisiana Oil and Gas Association,
18 the Police Jury Association of Louisiana, and other groups and stakeholders, with Louisiana
19 Sea Grant acting as an independent facilitator, to possibly recommend legislation to create
20 a voluntary public recreational servitude of use of waterways; and

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

26 WHEREAS, the resolution further requested that this research should also include
27 a determination of the availability of federal funding for the research, projects or incentives
28 to those parties entering into a voluntary public recreational servitude of use of waterways;
29 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
10 chair; there shall be no compensation for participation on this task force; and members who
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
18 task force.

DIGEST

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2018 Regular Session

Garofalo

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