

## MINUTES

### PUBLIC RECREATION ACCESS TASK FORCE DRAFTING SUBCOMMITTEE

Monday, December 2, 2019

A public meeting of the Drafting Subcommittee of the Public Recreation Access Task Force was held on Monday, December 2, 2019 at 9:30 a.m. in House Committee Room 5, Ground Floor, Louisiana Capitol, Baton Rouge, Louisiana.

#### I. CALL TO ORDER

**Blake Canfield** called the meeting to order at 9:45 a.m.

#### II. ROLL CALL

**Mr. Canfield** then called the roll for purposes of establishing a quorum. The following full members of the drafting subcommittee of the task force were recorded as present

**Mr. Blake Canfield**

**Mr. David Cresson**

**Mr. Taylor Darden**

**Mr. John Lovett** (*arrived at 9:45 a.m.*)

**Mr. Sean Robbins**

No full members of the drafting subcommittee of the task force were absent.

**Mr. Canfield** announced that five (5) members of the drafting subcommittee of the task force were present and that a quorum was established.

#### III. APPROVAL OF MINUTES FOR NOVEMBER 8, 2019 MEETING

A motion by **Mr. Cresson** to approve the minutes for the November 8, 2019 subcommittee meeting were unanimously approved.

#### IV. PRESENTATIONS AND DISCUSSION ITEMS

##### a. Review of Draft Report

- i. Discussion of new sections on Shared Values and Alternative Pathways --  
**Mr. Canfield** stated that he would like to highlight areas **Mr. Lovett** added

to the draft report. He stated that Mr. Lovett added a new section on Shared Values (pg. 2-4) and a section titled Alternative Pathways (pg. 39-42). Mr. Canfield continued, that based on everyone's testimony and comments, Mr. Lovett felt there were a handful of goals that everyone agreed to. The report identifies these shared values as including:

1. Preserving the coast and natural environment
2. Respecting private property rights and investments in land
3. Preserving and enhancing a local tax base to support vital public services
4. Preserving a culture of outdoor recreation; and
5. Encouraging and developing the recreational economy.

Mr. Canfield stated that Mr. Lovett views these share values as items to keep in mind as we consider various proposals and discuss specific issues in the report. On page 39, under Alternative Pathways, Mr. Lovett has taken the Louisiana Landowners Association's proposal and listed that as a permanent boundary settlement and recreational access servitude, titled "Voluntary Two Party Agreement." Below that is Donation of Surface proposal whereby a private landowner would donate their surface rights to state while retaining a perpetual servitude of minerals. This proposal comes from a comment from Mr. Marshall on the potential of having outright donations, but it obviously shares aspects of Louisiana Landowner's Association's proposal setting mineral boundaries. On Page 40, Mr. Lovett has highlighted the Act 626 Agreements pathway, this came from the last Task force meeting, when Mr. Davis spoke on the recently established CPRA rules. The next pathway would be expanding recreational access, in line with members of the public having a right of responsible access of lands subject to ebb and flow of the tides. This is most closely associated with Mr. Robbins proposal. At the bottom of page 41 is the proposal to require posting on private waterways. It would essentially undo the change that occurred to the criminal trespass statute in the early 2000s. On page 42, is the use value taxation proposal by Mr. Carpenter. Lastly, there is a section on taking no action.

**Mr. Lovett** stated that he tried to do three things. First, Mr. Lovett reflected on all of the conversations in the testimony and in the presentations on areas of agreement. Mr. Lovett stated the members all agree on the importance of preserving the coast and the natural environment, the members all agree about the importance of respecting private property rights in investments and land, particularly when people

maintain in and invest in their land, the members recognize the importance of preserving the local tax base because local property taxes support services, the members all agreed on the importance of preserving the culture, and all members agreed that it's not just a matter of individual interest and personal interest but it's important to the economy of the coast. Additionally, Mr. Lovett stated he tried to review all of the suggestions and proposals that have been made and in the last section describe them a little bit more in light of those shared values. Mr. Lovett framed 6 alternative pathways. Mr. Lovett stated that the 6 alternative Pathways are:

1. The permanent boundary settlement and recreational access servitude pathway that was presented by the LLA (page 39). He stated that he tried to condense it. Mr. Lovett stated that there is a potential draft Constitutional Amendment that is a crucial part of that pathway.
2. The donation of the surface to the state with Perpetual Severance of minerals pathway suggested by the representative of Mid Continental Oil and Gas Association and the Louisiana Oil and Gas Association. He continued that it's different than the first pathway in that it doesn't involve a boundary settlement, it just involves a transfer of ownership with Perpetual Severance of minerals and with the state becoming the owner. The state could then provide recreational access.
3. The Act 626 of 2006 agreements. They are the most complicated because they involve three parties in an ideal situation in which the private landowner would transfer ownership of the surface but to not to the state. Ideally under this pathway a third-party land trust or charitable conservation organization would have the land donated to them. Under this pathway you would have the transfer of the land to the third party and you would set up an endowment which would be funded at a sufficient level to provide a stream of income to both pay for the land management and also a way to actually make payments to local government as payments in lieu of local property taxes or "Pilots." Pilots are used when you have affordable developments in many cities, because you have a reduction in local property tax base and the affordable housing and the entity that is creating housing will agree to make payments to the local government in lieu of the local property taxes that offset the loss in income to local government. It is doable and there are already some examples in

law. The rules that came out of Act 626 facilitate this and the state would be involved as a player in approving these transfers but would not be the recipient of a title and would not have any land management responsibilities to the same extent as in the second model, which is the donation model.

All of these proposals are alternative pathways, because there may be situations where one is better than another. Mr. Lovett cites as an example where a landowner wants to keep title to the property, in which case the LLA model makes sense because they want to preserve the ownership of the surface but are willing to grant some recreational access in exchange for permanent boundary settlement. There may be cases where the landowner doesn't have any interest in maintaining any ownership of the surface and just wants to preserve their mineral interest, then donation under pathway 2 could work. The idea for pathway 3 is that a land owner might be motivated by the desire to do something that would have a long-lasting public benefit that would establish a long-term solution that would preserve the conservation values and create a revenue stream that could offset the cost of maintaining the property.

4. Expand recreational access by creating a right of responsible access of lands subject to the ebb and flow of the tide – Mr. Lovett stated that he believes land owners are more likely to resist this with legal challenges because the landowners wouldn't get anything in exchange. Mr. Lovett stated he suggests encouraging people to experiment with expanded access on a purely voluntary basis.
5. A tweak to trespass law to how it was before 2003, when we had a little bit of a stronger set of affirmative defenses for trespass. It would require that landowners who want to keep people off of their property post signs and take more affirmative steps to clearly demarcate what is private and what's public. Mr. Lovett states he believes it is doable because that was the law for a long time in Louisiana. Mr. Lovett stated the question is efficacy, would it resolve problems if it required posting, more signage, and more fencing, would those last over time.
6. Linking current preferential use value taxation rates to some kind of requirement that landowners provide recreational access.

7. Mr. Lovett stated the 7th pathway would be to do nothing. He stated that the outcomes over time will be that as more land becomes submerged beneath the water, the landowners will have a harder time proving title. The recreational fishermen will continue to be confused leading to continued tension.

Recreational tourism will continue to suffer.

Additionally, Mr. Lovett stated that he added two new sections. The section on the Freeze statute (pg. 12-13) The section includes the benefits of the Freeze Statute and its limitations. The Freeze statute is not a perfect solution to any of the problems but it is a relevant piece of Louisiana legislation. Mr. Lovett stated that with the help of Mr. Canfield, there are additions on pages 21- 24 which describes the impact of the uncertainty on Recreational Sportsman and tourism. These are summaries of statements from speakers. Lastly, on pages 32 and 33 is a detailed summary of Act 626 with specific references to the Louisiana revised Statute that was amended by Act 626, it is the three-party agreement pathway from Mr. Davis' presentation.

**Mr. Cresson** asked whether there was still a misconception that the LLA proposal, which is alternative pathway number one, only concerns lands that were dual-claimed. **Mr. Lovett** stated that he specifically amended the section so that it could apply to land that was not dual claimed. Mr. Cresson asked if in the original draft of the report there is a section to describe the other side's concerns about each of these pathways. Mr. Lovett stated that yes, there is a section that describes the Sportsman's proposal and response, it describes their concerns. Mr. Lovett stated that he believes the section is still there and stated that the Sportsman interpreted the LLA proposal as only dealing with dual claim lands and they thought that the problem was broader. Mr. Lovett stated that he understands that Mr. Darden thinks that his proposal was broader and would solve more problems. Mr. Lovett stated he could try to find a compromise for particularities, such as canals and things that may not be solved by the LLA proposal. Mr. Cresson stated that he is curious of what the Sportsman's opinion was of LLA's proposal now that some of that has been clarified and whether that's changed the concerns or made it more acceptable. **Mr. Belton** stated that when Mr. Darden gave his proposal, Mr. Belton asked Mr. Darden a question about whether it only pertained to dual claim property and

at a later meeting Mr. Darden clarified that it did not only pertain to dual claim property. Mr. Belton stated that he will be okay proceeding in that way. Mr. Belton would like more assurances on what degree landowners would participate and how many would participate. Mr. Cresson stated that alternative pathway number seven (to do nothing) is unacceptable. He stated that he is aware that the LLA proposal does not get us all the way where the Sportsmen want to be, but he wondered if there is a place somewhere surrounding that proposal where all sides can agree, even if the group needs to take up other items to pair with it. Mr. Belton stated that the committee is tasked with not only doing an analysis of the law but also making recommendations if possible and regardless of any of that it's by law disbanded come February 1st. Mr. Belton stated that the landowners proposal as one part of a comprehensive plan of attack wouldn't be objectionable to the Sportsmen. Mr. Belton stated that one crucial component of that is comprehensive participation, without the average fisherman or the average official having some certainty as to what's publicly accessible and what's not on a global basis, there is going to be a problem. Mr. Belton stated that he believes the changes to trespass law in 2003 have made matters worse because those landowners who would not choose to participate in either the Landowners' proposal, the Act 626 proposal, or the LOMOGA proposal leave us in the same boat we are now in. Mr. Belton does not think the task force should proceed forward if those landowners who opt out aren't required to resume posting because fisherman otherwise can't know whether they are allowed access. Mr. Belton stated he believes that the local property taxes to the extent they're being paid at least at current level of payment, the proposal could work. The donations to the state will in some instances provide a fairly sizable tax advantages to landowners. Mr. Belton stated that there needs to be a way to incentivize land owners to participate. Mr. Cresson stated that there sounds like maybe there is some middle ground the entire body can go to the legislature with and say, here's a great first step forward and there might be others to come. Mr. Cresson asked Mr. Belton for a summary of the trespass law change in 2003. Mr. Belton stated that his understanding is that it was precipitated by cost concerns because of vandalism and people tearing down signs.

**Mr. Darden** stated that in response to Belton's question if land owners would participate. Mr. Darden stated that the proposal

would encourage landowners to participate because of the primary benefit - stability of title. Mr. Darden is willing to poll his membership and see what their feelings are on it. Mr. Darden stated that he agrees that pathway number 7 is not workable. Mr. Darden stated that he has an issue with Mr. Lovett's question of if the effects of C.C. art. 450 will only make matters worse for landowners. Mr. Darden stated that it doesn't change the existence of the law which is that landowners have title to that property and that title cannot be challenged except by court of law. The question of innumerable litigation is primarily going to be site-specific and factual inquiry of what is navigable and is the navigability naturally caused. Mr. Darden stated that the LLA proposal offers the stability of title by putting an immutable line that says that landward is owned by the private landowner but subject to the recreational servitude and everything on the outside of the line belongs to the state. That does require a Constitutional amendment. The LLA proposal preserves the tax base of the local parishes. Mr. Darden stated he believes Mr. Marshall's proposal fits well with the LLA proposal a landowner can donate land and gets stability of title of permanent reservation of minerals. Future erosion is dealt with because the land will always be subject to that perpetual recreational servitude once it becomes a water bottom. Mr. Darden said he would like to see added to the report is a discussion about tort immunity being part of this is what would incentivize a landowner. Also, Mr. Darden stated he would like to see a discussion of the Federal preemption of State tort immunity by maritime law. **Mr. Lovett** stated that he does have a discussion on tort immunity and he would like to get from other members of the drafting committee what exactly landowners would like to see changed of the tort immunity statute. It's hard to find many cases where landowners lose, so what is it additionally that land owners would want. Mr. Lovett stated he agrees that more land becoming submerged doesn't change the legal issue about Frozen in time, whenever the transition from non-navigable to navigable takes place the court will have to deal with that. Mr. Lovett stated he believes commentators are more persuaded by the arguments that C.C. art. 450 is clear, that unless you can argue that it was the result of a non-natural or not a man-made force; but we don't have a definitive solution. Mr. Lovett stated that Professor Hargrave took the view that article 450 would apply in the analogy to what

happens when beds of lakes become further eroded or water rises and under State Supreme Court Jurisprudence the State acquires ownership. Mr. Lovett stated that he thinks context matters because courts are influenced by the world and they don't look at legal question purely in isolation and it'll be harder as more land becomes submerged to accept the argument that the property owners who had riparian land have the same title all the way. Mr. Darden stated that he thinks that natural vs. man-made is an issue and it is case-by-case site-specific. Mr. Darden stated that he believes one of the reasons the task force is looking for a solution is because there's a lot of money that can be spent for nothing, claiming who owns the water bottom, it is all about the minerals. The long term solution is what LLA has proposed and it does require a constitutional amendment, he continued. Stability of title is the primary incentive for the landowners and it avoids all of the questions and issues that C.C. art. 450 would pose.

**Mr. Carpenter** stated that the posting of the waterways, if you get away from the coast I have to argue that some of it it's not necessarily the vandalism because in those timberland areas they progressively got looser with having to post and for the folks farther from the coast it was a convenience issue and they would rather put the burden on the trespasser. Mr. Carpenter asked if in Mr. Darden's proposal it said repeatedly that landowners would be incentivized to participate for stability of title. In the proposal, does the landowner only get the benefit of that line if they should choose to participate and then at what level would they need to participate? Mr. Carpenter asked will the landowner have to give access to just 10% of whatever they own and then get the benefit of the line itself or does the line just exist. Your boundary gets stronger but as a landowner do you get to participate in it only if you decide to allow access and how much and then another question I had about your plan what happens if you're a landlocked land owner wants to participate? If an otherwise landlocked land owner wanted to participate in the stability of title but the surrounding land owners around said no we don't want you coming across our property, how does that get addressed in Mr. Darden's plan? **Mr. Darden** responded that it is purely voluntary, but right now there's no vehicle that would allow the state to enter into these agreements. Once and if the state constitution is amended, then an individual landowner will on a case-by-case individual by individual basis be



able to decide to participate. Mr. Darden stated that in response to Mr. Carpenter's second question, an enclosed estate whether they're owned by the state or owned by private landowners, always have a legal right of ingress and egress over the least inconvenient path of neighboring estates. Mr. Darden stated that it would apply to any navigable water bottom. Mr. Carpenter stated that one of the threats from the pro-access side is that we constitutionally set this line and it's strictly voluntary. But, the line is set to benefit the landowner. The benefit for the access is strictly voluntary. Mr. Darden stated that it simply would allow the state to enter into agreements, there is no line set by the Constitution. It simply allows the state to alienate what is either a state-owned water bottom or a state claimed water bottom. That is done by agreement which has been filed of record in the Parish courthouse and that sets the boundary, in return for which over those areas that are claimed by the individual land riparian owner. There is a right of public access filed in that agreement of public record.

**Mr. Robinson** asked Mr. Darden if landowner chooses to participate, is access perpetual and mineral rights are frozen in perpetuity. **Mr. Darden** answered that access is perpetual and mineral rights are frozen in perpetuity. If it continues to erode on the land side, then that right of public recreational access which is a servitude and it is imposed upon the property and stays with the property whoever owns it. **Mr. Lovett** stated that it wouldn't be enforceable by a dominant estate, it would be a servitude in favor of the public but it's a servitude that would run with the land. **Mr. Simmons** stated that a constitutional amendment that is drafted shouldn't be limited to just dual claim land, but that the Constitutional Amendment should allow the state to enter into an agreement with any landowner who was interested in providing a servitude to get mineral rights in perpetuity. The State is interested in fighting dual claim lands until there is a benefit to the state in terms of potential oil and gas operation. **Mr. Belton** stated that the Landowner Association's proposal would be available to any landowner to participate. The state has to follow the law that has been passed by the legislature and article 450, Constitution Article 7 section 14 is there and as state officials they have an ethical duty and a legal requirement to take they cannot breach those obligations and laws. Mr. Belton stated the he would hope that the leaders of the landowners will go to folks less likely to participate and

encourage them to do so and in the event those folks don't want to participate, they could create a vehicle to clearly incentivize landowners to participate.

- ii. Consideration of other portions of draft report -- **Mr. Darden** noted the Act 626 agreements is a variation on Mr. Marshall's donation on the surface, except you are donating it to a qualified conservation organization, with the donation of servitude. Mr. Canfield stated that his understanding of Act 626 is you can have a situation where it would be directly donated to the state as well. The unique aspect is having an NGO or third party manage the property and its access. These types of agreements will often be tied to some form of conservation activity. Mr. Canfield stated he will read through the section and go through the changes.

**Mr. Lovett** asked for the state agencies feedback on the proposed pathways. **Mr. Canfield** stated that based on conversations with state representatives, each agency has its own concerns based on its responsibilities. It is difficult for representatives to proactively push for any one solution. Mr. Canfield stated for each agency, each of the proposals have strengths and weaknesses; however, the agencies feel they can work within each proposal. **Mr. Robillard** stated that each of the proposals have some merit, but he would like the committee to think of ways to incentivize the state. **Mr. Vorhoff** stated that the Attorney General's Office will not favor one proposal. Mr. Vorhoff stated that on page 11, "the consensus seems to be that changes in the status of land and water bodies resulting from artificial works should be analyzed in a light of principles of delictual liability not article 450." Mr. Vorhoff stated that he thinks it is true if it's a private person conducting the activity or the state in a private capacity but only if it isn't an action for a public purpose. If it is then it would be more in the takings realm. He concluded that waterbottoms arguably covered under 450 are being claimed by the State for the public and as a public thing then it would fall more in the takings property law regime. Mr. Lovett stated it is complicated because in recent federal takings cases you also have, according to some Courts in federal takings claims cases, to take into account the benefit that was provided by the government action too.

**Mr. Vorhoff** stated that he had a question on pg. 26 with the LLA proposal where it reads, "another potential benefit of this proposal is that it might encourage large Coastal landowners to participate in large restoration projects." Mr. Vorhoff stated he is not sure if you're taking the incentive out of maintaining the surface, to maintain clear title as dry land,

he is not sure how it incentivizes coastal protection, it may be neutral, but he isn't sure how it promotes coastal protection. Mr. Vorhoff stated that on pg. 30 there's a similar statement with respect to be the donation proposal, by LMOGA and title is the difference between the two proposals, but perhaps taking language from there, that there is no land owner with an interest in supporting coastal restoration projects. How does this proposal encourage large land owners to participate in Coastal restoration projects? **Mr. Darden** stated that his interpretation is that once a landowner has his property and can participate in the coastal restoration project that will prevent further loss and further as to public areas that the State owns, the State will want to participate. **Mr. Lovett** stated that the landowners don't have much to really gain then. They don't have anything to lose as the land further erodes because they've already given up surface rights and reserved their minerals; why would a landowner prefer the LLA option as opposed to the donation? Mr. Darden stated that they are granting free conservation servitudes now and allow CPRA to go on the property to build these projects today. The incentive is there that the landowner will participate in these CPRA project regardless of whether they enter into these boundary settlement agreements with the state.

**Mr. Lovett** stated he thinks it is important to to preserve all three pathways, as landowners interested in preserving the surface are going to be stronger nearer the coast in the areas that are currently submerging, as you move inland the LLA proposal may be more suitable. At the end of the day, he stated that the task force can present all three proposals to the legislature.

**Mr. Vivian**, standing in for Mr. Peterson, stated that CPRA doesn't want to be landowners, that's why CPRA gets the servitude and in that same vein when there's a dual claimed issue we work with State Lands to get a GPU with them and the landowners to get a servitude to stay out of the dual claimed issue. When it comes to Coastal restoration, the state is taking the position to not be landowners.

**Mr. Darden** stated that he agrees that there is not just one solution, but 626 provides limited relief, the LL&E Amendment to the Constitution which gives limited relief. Mr. Darden stated that what does not currently exist is the LLA proposal with the donation component. Mr. Darden stated that with that there would be an arsenal of options that landowners, recreational fishermen, and the state who want to do something to make this problem manageable, need to start with a constitutional amendment.

**Mr. Garrett** stated that from a Dept. of Wildlife and Fisheries perspective, all of these are viable options. Mr. Garrett stated that the LLA

proposal requires a constitutional amendment. Mr. Garrett's concern would be creating this kind of patchwork regulatory scheme where there is at least an incentive for the landowner to retain some of their surface rights to act as landowners, but what happens when we have eroding lands with hunting leases that the land owner retained as his right. Mr. Garrett stated that there is a benefit to consistency throughout the coast.

**Mr. Lovett** asked why the state would not want to get the fee title when the state will invest a lot of state resources in projects. Why would you do all this and then benefit the private landowner and not keep interest for the state? **Mr. Vivian** stated that one of the main reasons is cost. Mr. Lovett asked how he will convince the Corps of Engineers to invest when the public will not end up with the property. Mr. Vivian stated that it is technically a state project. **Mr. Vorhoff** stated that his understanding of Article 9 Section 3 of the Constitution is that if the state conducts a project on what it believes is a navigable water bottom that was previously privately owned, then any surface land it reclaims has to stay with the State. Mr. Vorhoff stated that it was not clear if a constitutional amendment was required for the second pathway about surface donation, Mr. Vorhoff stated he identified some revised statutes that currently allow the perpetual donation and reservation of minerals. Those statutes don't explicitly get into the kind of questions around being perpetual irrespective of subsequent erosion that Act 626 gets into. Mr. Vorhoff stated he thinks that's a statutory difference and not a constitutional difference. Mr. Vorhoff stated that one wrinkle present in the donation proposal is that with the subsequent erosion of existing donated land whether the object of the donation ceases to exist. Mr. Vivian added that another reason the CPRA gets servitudes is because the state wants to keep that property on taxpayer rolls. **Mr. Belton** stated that the public reaction to the fact that billions of dollars of both Louisiana and federal money are being spent to restore the coast for everyone's benefit, flood protection landowner protection, storm surge, there is a knee-jerk reaction by most folks in the fishing community and elsewhere that they don't understand why in the trade-off for these servitudes the state has not reserved any public rights of access. Mr. Belton stated that if he is a coastal landowner and the state wanted to reclaim the property which is ultimately going to solidify your ownership claim to your mineral access then Mr. Belton thinks most landowners would agree. Mr. Belton asked if the private landowner partners are also financially participating in these projects or is it merely just the granting of the servitudes. Mr. Belton stated that in terms of the incentives at least on the landowner side, it may be time for the

CPRA to review that policy and try to create a mechanism where the public has some certainty as to what it has rights to, considering its spending a lot of public money to reclaim this property. Mr. Vivian stated that he will take that to his administration to allow them to consider. Mr. Vivian stated that the landowners are giving up something, they have a servitude burdened on their property if they're leasing, landowners give up those rights to allow these projects to come on the property. Mr. Belton stated these servitude agreements that CPRA enters into may be another avenue to address some of this. Mr. Darden stated that on landowner participation with CPRA, we have gone out of the way to work with CPRA recognizing the importance of these projects. Mr. Darden stated that with Mr. Belton's suggestion that the CPRA re-examine that will have the opposite effect, because if the price of having a project built on their land is public access, many landowners will not agree. The landowners are participating with CPRA for the benefit of the state, landowners are giving up something, and the state is getting something in return. It may not go as far as the fisherman want; but Mr. Darden stated he does not think focusing on CPRA and landowner participation is a path forward. **Mr. Simmons** stated that as as a landowner who has had a CPRA project, if you change the rules to say landowners are going to have to give up significant owner rights in order to have CPRA work on their property we're going to refuse to work with them and it is going to be counterproductive because 85% of the wetlands in the state are privately owned and a significant portion of them are in the western part of the state. **Mr. Vivian** stated that it's the voluntary aspect that these projects are developed under that allow them to work as well as they do. Mr. Belton stated that his notion was that the prospect of stability of mineral title and a perpetual agreement on the mineral boundaries and the notion that the landowners would receive some type of compensation in cash or otherwise; that these things could be included in the CPRA agreements. Mr. Vivian stated that if Mr. Belton is referring to the 626 model which are voluntary, then CPRA is ok considering that.

**Mr. Lovett** stated that it is important to look at the actual language of the Constitutional Amendment provided by Mr. Darden. Mr. Lovett read the proposed language and stated "the legislature should neither alienate nor authorize the alienation of the bed of a navigable water body," that's currently in the law , which would be revised to add the following, "this shall not prevent the state from entering into agreements with riparian landowners to establish a permanent fixed boundary between state-owned or claimed and privately owned or claimed water bottoms regardless of the

navigability of the water body nor shall it prevent the state from accepting a donation of any riparian land owner or claimed lands or water bottoms subject to a Perpetual reservation of minerals regardless of any subsequent erosion or loss of the land donated or the present or future of the water bottom donated all such agreement shall provide at the public there after enjoy a permanent limited right of recreational access overall present water bottoms allocated to the riparian landowner and all future water bottoms created from the riparian land as a result of natural erosion subside into rising sea levels”

- V. **Mr. Canfield** stated that the next full task force meeting will be on the 19<sup>th</sup>, Mr. Canfield stated he does not see reason to have a subcommittee before the next full task force meeting. The next subcommittee meeting could meet right after that task force meeting on the 19<sup>th</sup> or instead of waiting until January. **Mr. Darden** stated that he thinks the committee may need need to start thinking about second layer which is in the enabling legislation, what what additional statutes might need to be amended or added, the enactment of the Constitutional amendment. **Mr. Lovett** stated that the revised Statute 47:1702 does two important things and it says that the States Commissioner of Administration will have the ability to evaluate an offer of donation to determine whether the acceptance of the donation is in the best interest of the state and we need to provide something like that and then and this could be very useful for the ability it gives the House Committee for Natural Resources and Environment and the Senate Committee on Natural Resources. Mr. Canfield stated that it may be important to incorporate in the report to take some of those comments and place them within the various proposals that have been presented to make it more understandable. For instance, which agencies would be involved in where their concerns are? Mr. Lovett stated he will include the views of CPRA in the proposal and the general response of state representatives. Mr. Canfield stated that after the December 19<sup>th</sup> meeting the subcommittee can determine when it will meet again. Mr. Canfield stated he believes two task force meetings in January will be necessary and a final meeting probably mid-to-late January at the latest for the February 1st deadline. Mr. Darden stated Mr. Canfield may want to propose a date for another subcommittee meeting. Mr. Canfield he will send an email and everybody can reply but the members of the subcommittee will be included. Mr. Canfield stated that he will try to start getting people's availability for full task force meetings in January.

#### 1) PUBLIC COMMENT

Mr. Daniels stated the focus seems to be on the coastal areas, there needs to be support for areas in North Louisiana.

2) CONSIDERATION OF ANY OTHER MATTERS THAT MAY COME BEFORE THE  
SUBCOMMITTEE

No other matters came before the Subcommittee.

3) ADJOURNMENT

The meeting adjourned at 11:54 a.m.