

Belton
Consulting, LLC

PUBLIC RECREATION ACCESS TASK FORCE Historical Review and Possible Solutions



Baton Rouge | June 26, 2019

MINUTES – ATTACHMENT A

Background/Overview

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- Ownership or Access?
- Parties Involved
- Sea/Seashore vs. Inland Waters
- CC Art. 449 Public Things
- CC Art. 450 Public Things
- CC Art. 451 Seashore
- CC Art. 455 Private Things
Subject To Public Use

Background/Overview

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- Federal Swamp Lands Grant Acts of 1849 and 1850
- Federal Surveys Plats of 1840's and 1870's
- La. Legislature Act 247 of 1855, Act 38 of 1870, Act 104 of 1871, Act 75 of 1880

Issues to Address

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- Access: How, Where and When?
- Trespass: Amend 14:63. HB 270 of 2019?
- Liability: Landowner Protection
- Enforcement: Public Protection
- Permits necessary to restrict access: Safety and Environmental Protection

Possible Access Solutions

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- Landowner Self Help Options:
Preservation of Mineral Rights
- R.S. 9:1151 “Freeze Statute”
- Leases without Pugh Clauses
- Landowner Rights of Reclamation.
- La. Const. Art. 9, Section 3
- R.S. 41:1701, 1701.1, 1702,

Possible Access Solutions, cntd

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- Donations to the State/Reservation of Mineral Rights
- La. Const. Art. 9, Section 4
- R.S. 41.151

Use Value Solution

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- Ad Valorem Tax: Use Value
- La. Const. Art. 7, Section 18 (C)
- R.S. 47:2301, et seq.
- Amend R.S. 2307 (B) (3) to provide that the Tax Commission shall consider public access
- Amend Chapter 27 of LDR Guidelines for Use Value