



**LOUISIANA**  
SPORTSMEN'S COALITION



# Access Proposal

## June 26, 2019



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Thank You, Mr. Darden!

- First Proposal
- Proposal is somewhat of a red herring
  - Addresses <100,000 acres of dual claimed property only
  - Access denial should not be allowed on dual claimed property
    - If the state has claimed, access should not be denied until a court has ruled
  - Does very little for saltwater fishermen
  - Does nothing for freshwater fishermen
  - Does not address economic impact of recreational fishing in LA
  - Not worthy of the state giving up mineral rights for so little public access



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### RS 9:1115.1 (Act 998, 1992)

#### Part 1-A. Ownership of Beds of Non-navigable Waters

Sec. C. It is the intent of the legislature by the enactment of this Part to codify and confirm the law of Louisiana as heretofore interpreted by the courts thereof without change and without divesting the state, its agencies, or its political subdivisions of the ownership or rights as to any immovable property and without affecting the provisions of the state Oyster Statutes passed by the legislature since 1886. Furthermore, it is the intent of the legislature by the enactment of this Part that no provision herein shall be interpreted to create, enlarge, restrict, terminate, or affect in any way any right or claim to public access and use of such lands, including but not limited to navigation, crawfishing, shellfishing, and other fishing, regardless of whether such claim is based on existing law, custom and usage, or jurisprudence.



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SONRIS<sup>NC</sup> Interactive Maps - Oil/Gas  
Louisiana Department of Natural Resources

Map navigation icons: Home, Search, Print, Full Screen, Refresh, Back, Forward, Home, Search, Print, Full Screen, Refresh, Back, Forward.

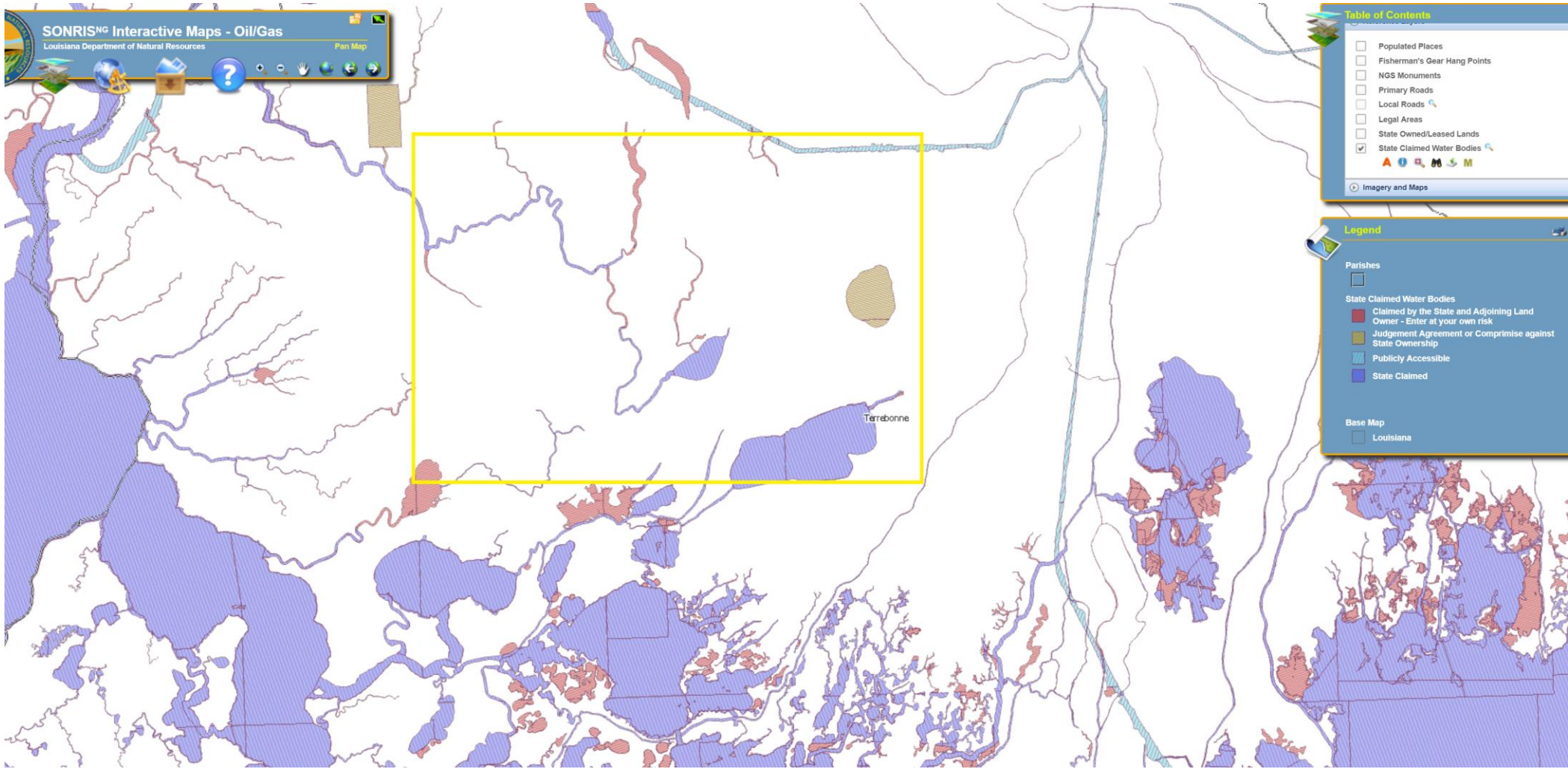


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- Populated Places
- Fisherman's Gear Hang Points
- NGS Monuments
- Primary Roads
- Local Roads
- Legal Areas
- State Owned/Leased Lands
- State Claimed Water Bodies

Imagery and Maps

Legend

Parishes

- Louisiana

State Claimed Water Bodies

- Claimed by the State and Adjoining Land Owner - Enter at your own risk
- Judgement Agreement or Compromise against State Ownership
- Publicly Accessible
- State Claimed

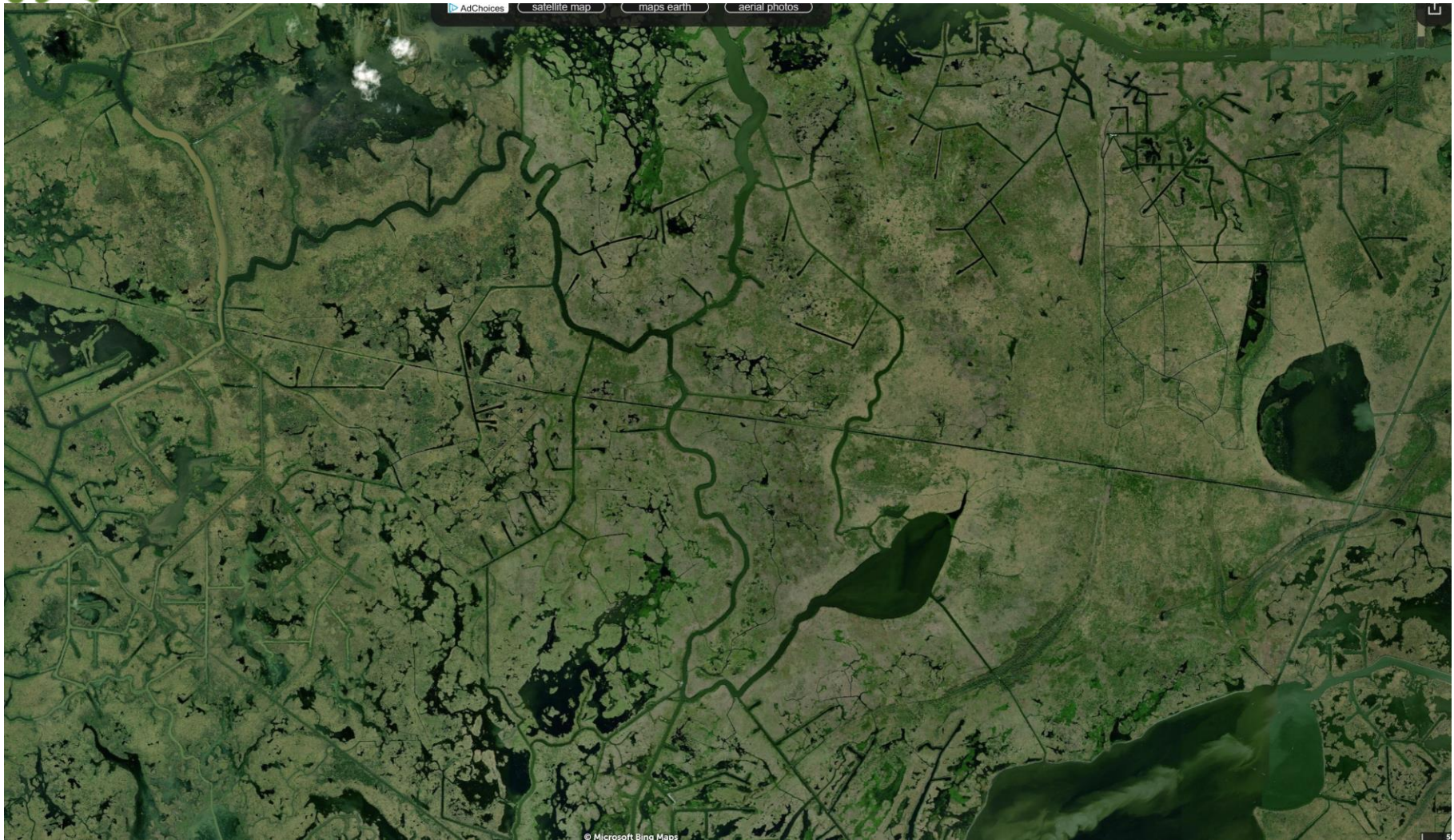
Base Map

- Louisiana



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### Digging of canals

- Private landowners / companies did so to make exploration and access easier
- Invited the public resources onto their property for personal benefit
- In many cases, altered the hydrology of natural waterways
  - Increased volume / velocity of tidal flow
  - Contributed to erosion and land loss
  - Caused natural waterways to become non-navigable
- Because resources were invited, public access to it's own resources has now been impacted



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### LaSC affirmations

- Will stand by the landowners to back any legislation that reaffirms rights to ownership, mineral rights, exemption from liability, etc...
- ONLY seek RESPONSIBLE surface access waterways for angling, bird / wildlife watching, etc...



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On behalf of the general public, LaSC:

- Seek access to all water
  - *Ebbs and flows with the tide*
    - South of I-10, this likely includes all natural waterways and man-made such as canals, marsh, open water
  - Not to include landlocked lakes, ponds (farm ponds, private ponds/lakes, etc.)
    - Must determine how to define landlocked – possibly not connected to natural waterways in any manner





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### Support a constitutional amendment or other legislation

- Access should be expansive
- Access should be mandatory
  - Exceptions to be made for sanctuaries or management areas
    - To be determined by the state
- Access should be permanent



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## **Public right of servitude**

- May be the easiest manner to accomplish granting access
- Limited to SURFACE WATER ACCESS ONLY



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### **Landowners will receive tort immunity**

- Claims arising from public's right of use of surface water
  - Unless the landowner takes part in malicious activity expressly to injure
- Louisiana Recreation Use Immunity Act (LSA-R.S. 9:2791)
  - Already present, possibly tweak to reaffirm/strengthen landowner's immunity



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### Much like Mr. Lovett's Proposal

- Follows U.K. model
- Access must be “RESPONSIBLE”
- Violators should be punished
  - First Offense – heavy fine
  - Second Offense – lose licensing privileges / access for one year
  - Third Offense – lose licensing privileges / access permanently
- “RESPONSIBLE” pertains to both parties
- Result - access much like surrounding states



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### **Special accommodations must be considered**

- Other sporting activities with which access could interfere



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### **Enforcement**

- LaSC agrees central enforcement agency is required
  - Possibly LA Dept. of Wildlife and Fisheries
  - Requires additional funding



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### Mapping / Posting

- Expansive access will diminish need for mapping
- Burden of posting should be placed back on landowner
  - For surface water that is to remain private
  - “Our signs will be torn down”
    - Destruction of property laws exist
- THIS PRESENTS LITTLE TO NO FISCAL BILL TO THE STATE
  - Other than enforcement
  - Increase in licensing fees



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- This proposal solves the same problems as Mr. Darden's.
- Many aspects are the same
  - Scope of access is the main difference
- Tort Immunity
  - Huge win for landowners





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**Questions / Comments ?**