



Coastal zone
management
in Louisiana

LOUISIANA COASTAL LAW

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LOUISIANA...A SPORTSMAN'S PARADISE LOST?

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Louisianians by the thousands enjoy the coastal zone daily. Yet, does widespread participation mean total satisfaction with our outdoor recreational facilities? Why do over 50% of our citizens brand these facilities inadequate? Why did attendance at state parks drop by over one-half million in the past two years? Why is attendance dropping in the state wildlife management areas? Even if viewed as adequate now, are we prepared for the future? Are the rising costs of leases making hunting a luxury for only the wealthy? Will the motto "Sportsman's Paradise" apply to only a favored few? Can private landowners help out, or must we rely on public facilities alone? Are members of the state legislature aware of the problems and ready to act? What actions might they take? This L.C.L. report analyzes these questions and presents findings of recent studies of the coastal zone's present offerings for the recreation-minded done by the LSU Department of Rural Sociology Research Division and the Sea Grant Legal Program. It also presents options for action which could improve that picture. (Upon request we will be happy to provide more specific information from the studies cited in this report.)



Findings:

A clear majority of the public believes recreational development inadequate and positive governmental efforts necessary to improve the situation. The largest group found outdoor facilities not only inadequate in their own right (50.2%), but inferior to those of other states (33.8%). When confronted with eight popular outdoor activities (i.e., fishing, hunting, camping, hiking, boating, tours, tennis and beaches) a majority could find only two adequately serviced by Louisiana facilities, fishing and boating. Beaches need the most immediate attention. Only 24% of the people found beaches or beach facilities adequate.

Options:

It takes money to improve recreational facilities. The public's opinion on how to pay for improvement projects was clearly shown in the study. The vast majority (86%) recommended that funds be obtained by taking revenue from other state budgets areas, by initiating a "fee for use" system, or by a combination of the two. Only 3.7% would approve of increased taxes. Over 60% agreed that private interests should be encouraged to develop recreational facilities as a profit making activity. Nearly 53% thought that state authorities should cooperate in these efforts by making it easier (through an incentive system, such as tax breaks, etc.) for private interests to develop recreation programs. Over 62% felt state funds could be used to make improvements necessary for recreational uses (i.e., boat ramps, fences, roads, etc.) on private lands if the landholder agreed to allow more public recreational uses.

The public's criticism of beaches indicates special attention is needed. The improvement of underdeveloped areas such as Holly Beach in Cameron Parish, or Cypremort Point in Vermilion Parish could offer some relief, and modest studies are underway at this time. Determining accurately the water quality of our beaches, such as those at Grand Isle and Lake Pontchartrain, and their potential for being commercially competitive with beaches farther from the mouth of the river might reveal the wisdom of investing our recreational funds in these areas. These problems and other beach-related issues need priority attention.

IS OUTDOOR RECREATION BIG BUSINESS IN LOUISIANA?Findings:

Recreation is the second most valuable activity carried on in Louisiana's wetlands, exceeded only by mineral extraction. The LWLFC estimates that in 1972 the value of some 732,000 hunter efforts annually for waterfowl was \$7,127,000. Likewise, the hunting efforts for deer and small game were valued at \$590,000 and \$2,880,000, respectively. These figures indicate that the 4.4 million acres of Louisiana coastal marsh return to the economy about \$2.52 per acre for sport hunting alone. Saltwater fishing, crabbing, freshwater fishing, and crawfishing in the marsh and adjacent coastal waters are responsible for 7,939,000 fishing efforts annually with an annual value of \$81,361,000. Sport fishing and hunting combined accounted for over 9 million recreational efforts annually with a total value of over \$92 million. Assuming a 5.5 percent rate of interest, this indicates a \$1.67 billion capital investment. (Note that these figures do not represent any of the numerous other recreational pursuits to be enjoyed in the coastal zone, i.e., camping, boating, hiking, swimming, etc.) These figures, now three years old, are based on recreation values computed from national averages and do not necessarily represent the true value of Louisiana's resources.

Options:

Studies are needed to determine the present value of Louisiana's coastal recreational activities which are based on local rather than nationally derived figures. Figures from recreation-oriented businesses, such as bait and tackle shops, boat sales and rentals, etc., are needed. Only with accurate figures can the true importance of recreation to the state's economy be shown.

Findings:

There are only a few alternatives for the Louisiana hunter: private leases, federal and state refuges, state wildlife management areas, and public water bodies.

Almost all land in the coastal zone suitable for hunting is under private lease or in a management area. Most leases are large tracts of land held by private individuals who establish a hunting club. The tract is open solely to members of the club. Leases, once relatively inexpensive, are becoming more costly. An informal survey showed several leases of a section of marsh costing over \$1200 per year. These leases serve hunters who do not live near the state management areas, who are either unable or unwilling to travel to them, or who prefer more exclusive and private hunting opportunities. As population increases, the percentage of the people actually holding leases will become smaller. The demand for leases will probably force their prices out of the range of all but the well-off. Large segments of our population may, inevitably, be excluded.

Three federal wildlife refuges exist in the coastal zone: Delta, Lacassine, and Sabine. (Our lone national wilderness area is Breton Island.) These areas are designed to promote wildlife, not recreation. Accordingly, few activities are permitted. However, fishing and waterfowl hunting are allowed during parts of the year in some of the refuges. (The state also manages several game refuges, but again the recreation permitted on them is very limited.)

Wildlife management areas operated by the Louisiana Wildlife and Fisheries Commission (LWLFC) presently provide the only major alternative to the lease system.

The state maintains nine wildlife management areas in the coastal zone. Eight are in the southeastern corner of the state (Manchac, Pearl River, Biloxi, Bohemia, Pass-A-Loutre, Wisner, Pointe Au Chien, and Salvador). The lone management area in southwestern Louisiana is Sabine Island. These nine areas cover over 250,000 acres and are open free of charge to the public. Officials of the LWLFC estimate the recreational use of the eight southeastern areas during the period of July 1, 1972 to June 30, 1973, to be over 185,000 man days. There are no indications that these areas are presently overcrowded or overhunted. Louisiana ranks high among the states for expenditure of funds for the acquisition of wildlife areas.

Options:

The pressures of a growing population (800,000 more in South Louisiana in the next 25 years according to recent projections) require not only planning, but new approaches to hunting privileges. A reflection of these pressures is the 14% increase in the sale of resident hunting and fishing licenses since 1971. An expansion of the wildlife management areas is a visible need. But emphasis should be put on acquiring lands nearer large cities. This becomes increasingly important as the character of our state changes from rural to urban. For these areas to be fully utilized they must be near the people they intend to serve. Remoteness is a problem with several existing areas.

A "fee for use" system presents an alternative to the lease system. Under such a plan hunters would pay a daily fee for hunting privileges. Similar systems operate in many states and many are financially successful. Although the income potential of such a system has never been tested in Louisiana, it may be more profitable than many existing leases. Consumer demand for such a system seems quite large. Nearly 40% of those interviewed in a survey said they would pay between \$2 and \$10 for a single day of hunting privileges.

Findings:

Public use of private coastal lands for recreation is largely in its infancy in Louisiana. Hunting leases on marshlands and public fishing from private lands form the bulk of such uses. In the Florida Parishes, large tracts of timber land are not posted and therefore are open for hunting. One large landowner in this area maintains roadside parks and picnic areas for the public. On the coast, the Jungle Gardens of Avery Island provide beautiful surroundings for anyone interested in sightseeing, picnicking, or hiking and able to pay the low admission fee.

Large tracts of private lands are presently being managed for the public's use by the LWLFC. These comprise most of the above mentioned wildlife management areas. Landowners who give the state a free lease of 10,000 or more contiguous acres are eligible. The landowner gets benefits from this arrangement. He retains title to the property, and the state keeps at least one employee on the land at all times. The landowner is permitted to carry on limited activities on his property being managed by the LWLFC. Also, the LWLFC marks the boundaries of the property. These benefits are particularly advantageous to marshland owners whose property is not easily accessible.

Options:

Opening up more private lands for public use, either without charge or on a fee-for-use basis, presents an opportunity for Louisiana to increase its recreational capacity.

In a series of interviews with representatives of Louisiana's largest land companies many showed interest in greater public use of their property. While most leased sporting rights on their land, it was evident that the lease revenues were not the primary motivation for granting the lease. Indeed, lease revenues often fail to cover the cost of writing the necessary contracts. Leases are good for public relations, and allow the maintenance of visible control over the lands. This, in turn, facilitates legal ownership claims. Lessees assist the owner in patrolling the land and in maintaining use and possession, activities crucial to refuting adverse ownership claims.

Although interested in wider public use, most owners did not care to become personally involved in operating a recreational program. Several responded favorably to the idea of leasing surface rights, under the proper circumstances, to governmental authorities for public recreational development. This attitude complements that held by the majority of Louisianians surveyed who favor further state action to encourage public use on private lands.

Landowners did not see claims of personal injury liability as a deterrent to recreational development. Act 615 (1975) limits the personal injury liability of landowners who open their lands or waters for public hunting, fishing, trapping, swimming, boating, camping, etc., with two limitations: landowners who operate commercial recreational facilities or who are guilty of willful or malicious failure to warn against a dangerous condition are still liable. This type of legislation has the potential effect of opening prime recreational areas for the outdoorsman who is willing to assume the risk of his own activities.

CAN BETTER STATE PARKS MADE A DIFFERENCE?Findings:

The state parks system in South Louisiana is rapidly being upgraded. South Louisiana's existing parks are few in number and generally small in size: Fontainebleau, (2700 acres), Fairview (97 acres), Chicot (6500 acres), Boguefalaya (13 acres), Grand Isle (100 acres), and Sam Houston (1,069 acres). Of these six, only five allow camping, and only four provide electricity and water hookups. One state commemorative area, Longfellow-Evangeline, offers camping facilities but they are to be phased out in the near future.

Sources at the Louisiana State Parks and Recreation Commission (SPRC) reveal that private camping grounds provide numerous camping spots, especially around the north shore of Lake Pontchartrain, yet the shortage remains acute at almost all state parkgrounds.

Between 1972 and 1974 visitation to state parks dropped from 5,969,858 to 5,285,336, a fall of over 10%. Although some of this decline may be attributed to hurricane damage, gasoline shortages, and occasional flooding in several parks, public dissatisfaction with existing facilities may be a significant factor. Evidence of the public's meager loyalty is the probability of an additional drop in attendance as a result of a new SPRC policy which imposes an admission fee for park visitors (25¢ per pedestrian, or \$1.00 for a carload up to four persons).

A progressive new parks development plan presently is underway. Within one year a new park complete with camping facilities will open in St. Bernard Parish. Within the next fifteen years the SPRC plans to spend over \$113 million to acquire new parks and to upgrade existing ones. Coastal parishes being considered for new parks include Orleans, Jefferson, St. Bernard, St. Tammany, and Terrebonne.

Options:

If the present SPRC plans are carried out the park situation will be noticeably improved. Perhaps a new approach to parks in South Louisiana is needed. Much of the area is not suited for traditional park sites, yet public access could be enjoyed by many. For example, a state "park" in a remote coastal area reached by boat only, may be of interest to those seeking a unique day's outing. Camping facilities in wildlife management areas would increase the diversity of recreational activities. Regulation would be required, of course, to keep camping from conflicting with the existing use of the areas.

HOW DO LEGISLATORS VIEW COASTAL RECREATION?

Findings:

State legislators, prime movers in any recreational development plan, rank the current status of public outdoor recreation in Louisiana as inadequate. Of the 59 legislators responding to the survey, 49 found our facilities less than adequate. Nearly half (29/59) found them inferior to those of other states. Fortunately, most legislators (45/59) were willing to initiate, advocate, or vote for legislation to improve the situation. The majority (35/59) viewed this as a problem to be handled at the state level of government. Most agreed that state funding of recreation facilities should be increased (47/59), but there was less agreement on the state's proper role. Over half (32/59) thought the state should provide incentives for private landholders to make their lands available for public recreational uses. Seven did not, and the remaining 19 were undecided. When asked to evaluate particular incentives for private landholders only 5 legislators said they would support tax credits to the landholder, and only 6 approved of direct payments to the landholder in the form of a government lease. Twelve approved of efforts to reduce or clarify the liability of owners for injuries or damages sustained by users. Twenty-two would approve of some combination of these measures, and again, seven would accept none. Division of opinion was also strong when the legislators were asked if they would approve of the use of state funds to make minimal improvements on private lands made available for public outdoor recreational uses. Twenty-nine said "yes," sixteen said "no" and the remainder were undecided. Despite some disagreement as to methods to be used, it seems clear that legislative sentiment strongly favors action to improve the present situation.

Options:

Legislators not only select among options presented to them, but also create new options. To do so they must be aware of the problems and possibilities such as those addressed in this report. Providing incentives for public use of private lands could greatly broaden Louisiana's recreational horizons. A much closer look and more detailed proposals than possible here could serve legislators well.

Findings:

The fear of liability for injuries or damages suffered by recreationalists keeps some landowners from allowing more public activities on their land. In fact, however, the chance of an owner being found liable is quite small. Act 615 removed personal liability for an owner who opens up land for public recreational purposes unless it is a commercial recreational development or unless the owner intentionally fails to warn of dangerous conditions. Moreover, even before this act was passed not a single appellate court case was reported which awarded damages for injuries incurred on undeveloped land--an indication of very few, if any, claims against landowners.

The possibility of liability is not, however, totally removed. For example, a landowner could be liable if an accident resulted because too many hunters were allowed on his land, or if the owner's property lines were poorly marked and an injury occurred on an adjoining tract when a hunter unknowingly crossed property lines.

Insurance is available for the landowner who would like additional protection. The Owners, Landlords, and Tenants Policy (OL&T) is the basic contract covering liability to the general public. It is designed and used for commercial enterprises, but farms may be covered as well. Minimum annual premiums are usually \$35.00. They may be higher depending on the amount of risk involved in the particular recreational activities allowed on the land.

Options:

An old maxim: The truth will set you free. If the landowners were made aware of the small risk of liability and the low cost of additional protection through insurance the amount of private lands open to the public could increase greatly. And the income produced could more than cover the insurance premiums.

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