
DIGEST

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HB 474 Original

2017 Regular Session

Garofalo

Abstract: Allows for the issuance of an alternative oyster culture permit to a person owning or holding an oyster lease on a privately-owned water bottom.

Present law authorizes the Dept. of Wildlife and Fisheries to issue an alternative oyster culture (AOC) permit to a holder of a valid oyster lease on state water bottoms within the confines of that oyster lease. Proposed law expands that to include a person owning a water bottom or holding an oyster lease on a privately-owned water bottom or on a dual-claimed water bottom.

Present law requires a determination that the water bottom in question is a state-owned water bottom. Further requires suitability mapping. Proposed law removes both of these requirements.

Present law requires the Dept. of Wildlife and Fisheries to develop a suitability map to identify areas appropriate for alternative oyster cultivation and to determine where AOC activities are unsuitable. Requires that rules and regulations relative to alternative oyster cultivation be based on the suitability mapping, the coastal master plan and annual plan, and other information the department deems relevant. Proposed law provides that after July 1, 2017, the suitability map not be used. Provides, rather, that the department use any updated or revised information and coastal use permit requirements, along with the coastal master plan and annual plan.

Proposed law provides that if there is visible farming effort, the holder of a valid coastal use permit or mariculture permit issued for alternative oyster culture on water bottoms on private land has a right of first refusal to apply for a lease or a permit should a determination be made that the state owns the water bottom subject to the coastal use permit or mariculture permit.

Proposed law repeals the requirement that an AOC permit can only authorize alternative oyster culture activities on state-owned water bottoms.

(Amends R.S. 56:431.2(A)(1) and (C)(2); Adds R.S. 56:431.2(F); Repeals R.S. 56:431.2(B)(3)(d))