
DIGEST

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HB 474 Engrossed

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 deletes references to the suitability mapping. Provides, rather, that the department determine areas that are not suitable for alternative oyster culture due to conflicts with other uses of the state water bottom and use any updated or revised information and coastal use permit requirements, along with the coastal master plan and annual plan in the issuance of AOC permits.

Proposed law repeals the requirement that an AOC permit can only authorize alternative oyster culture activities on state-owned water bottoms. Also repeals suitability mapping requirements relative to potential areas of conflict and suitability for alternative oyster culture activities.

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

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Delete references to the suitability mapping. Provide, rather, that the department determine areas that are not suitable for alternative oyster culture due to conflicts with other uses of the state water bottom and use any updated or revised information and coastal use permit requirements, along with the coastal master plan and annual plan in

the issuance of AOC permits.

2. Delete the provision that would have required that if there was 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.