

2017 Regular Session

HOUSE BILL NO. 474

BY REPRESENTATIVE GAROFALO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FISHING/OYSTERS: Authorizes the issuance of an alternative oyster culture permit to a person holding an oyster lease on a privately owned water bottom

1 AN ACT

2 To amend and reenact R.S. 56:431.2(A)(1) and (B)(2) and to repeal R.S. 56:431.2(B)(3)(d)
3 and (C), relative to alternative oyster culture permits; to authorize the issuance of
4 such permit to a person holding an oyster lease on a privately owned water bottom
5 or dual-claimed water bottom; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 56:431.2(A)(1) and (B)(2) are hereby amended and reenacted to read
8 as follows:

9 §431.2. Alternative oyster culture; permits

10 A. Alternative Oyster Culture Permits.

11 (1) ~~The Notwithstanding the provisions of R.S. 3:559.1 through 559.13, R.S.~~
12 ~~56:412, 431.1, and 579.1 notwithstanding,~~ the department is authorized to issue an
13 alternative oyster culture permit (AOC permit) to a leaseholder holding a valid oyster
14 lease of state water bottoms pursuant to R.S. 56:427 or 428 or to a person owning a
15 water bottom or holding an oyster lease on a privately owned water bottom or a dual-
16 claimed water bottom as defined in R.S. 56:425.1. The area permitted for alternative
17 oyster culture shall not extend beyond the boundaries of an existent lease or
18 ownership of the water bottom. ~~No AOC permit may be issued unless a reasonable~~
19 ~~investigation into the question of ownership is complete and, based on the findings,~~
20 ~~a determination is made that the state owns the water bottom to be covered by the~~

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.