

**ACT No. 222**

2017 Regular Session

HOUSE BILL NO. 474

BY REPRESENTATIVE GAROFALO

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~~

1 permit. ~~No AOC permit may be issued until the department has completed the~~  
2 ~~suitability mapping required in Subsection C of this Section.~~

3 \* \* \*

4 B. Application and permitting.

5 \* \* \*

6 (2) ~~Based on the initial suitability mapping required by this Section, any~~  
7 ~~update or revisions to the initial suitability mapping,~~ The department shall determine  
8 areas that are unsuitable or inappropriate for alternative oyster culture activities due  
9 to creation of unreasonable conflicts with other existing or anticipated uses of state  
10 waters and water bottoms, including but not limited to integrated coastal protection  
11 projects as defined in R.S. 49:214.2. The department shall base all rules, regulations,  
12 and decisions regarding AOC permits on any master plan or annual plan issued  
13 pursuant to R.S. 49:214.5.3; and any other information and data deemed relevant by  
14 the department; ~~the~~ The department may grant an AOC permit for a different  
15 location, size, or configuration, and for different alternative oyster culture activity  
16 than what was requested in the application.

17 \* \* \*

18 Section 2. R.S. 56:431.2(B)(3)(d) and (C) are hereby repealed in their entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_