SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Morrish to Re-Reengrossed House Bill No. 293 by Representative Dove

AMENDMENT NO. 1

On page 1, line 2, after "44:4.1(B)(33)" insert "and R.S. 56:435.1.1"

AMENDMENT NO. 2

On page 1, line 6, after "grounds;" insert "to provide relative to the commission authority to regulate oyster harvest in Calcasieu Lake;"

AMENDMENT NO. 3

On page 2, line 1, after "Section 2." insert "R.S. 56:435.1.1 is hereby amended and reenacted and"

AMENDMENT NO. 4

On page 2, after line 24, add the following:

"§435.1.1. Oyster harvest in Calcasieu Lake

A. ~~Oyster~~ (1) Between July 1, 2011 and June 30, 2014, oyster harvesting in Calcasieu Lake shall be prohibited except by special permit issued annually by the Department of Wildlife and Fisheries or as authorized by R.S. 56:435.1.1(C)(2). Such permits shall be issued only to the first one hundred twenty-five applicants based on the date the application is received by the department. Once one hundred twenty-five permits have been issued, there shall be no more issued for that permit year. The commission shall promulgate rules and regulations for the issuance of the permits.

(2) Such permit shall be in addition to all other required licenses required for harvesting of oysters. After July 1, 2014, no special permit shall be required to harvest oysters in Calcasieu Lake. At all times, such oyster harvesting shall be limited to using tongs; a hand dredge; a single dredge with mechanical assist that has a tooth bar no more than thirty-six inches long; or use of a single scraper with mechanical assist and a flat bar length of no more than thirty-six inches is allowed.

B. All vessels used for the commercial harvest of oysters on Calcasieu Lake must be self-propelled. "Self-propelled" means, when used in this Section, that the vessel shall travel under its own power to its harvest area and when loaded with oysters, shall travel under its own power to the place where the oysters are unloaded.

C. The commission shall fix the open season for oyster harvest in Calcasieu Lake, which shall begin on any date between October fifteenth and November first and~~, for calendar years 2007 through 2010, shall end on a date set after consideration of recommendations by the Louisiana Oyster Task Force. After calendar year 2010, the season~~ shall end on April thirtieth. However, in consultation with the Calcasieu Oyster Task Force, the commission may open or close the season as biological data indicate a need and may manage East Cove and West Cove separately.

D. ~~Harvest limits shall be set by the commission not to exceed twenty-five sacks of oysters per day per licensed vessel after consideration of recommendations by the Louisiana Oyster Task Force.~~ (1) After considering the recommendations by the Calcasieu Oyster Task Force, the commission shall set the harvest limit so that each permitee may harvest an amount not to exceed twenty five sacks of oysters per day from one, and only one, licensed vessel. In addition, one and only one permitee may

harvest from each licensed vessel per day and no vessel shall be used for more than one trip per day.

(2) In addition, recreational fishermen may harvest oysters as provided in R.S. 56:424(C). Harvest limits for recreational fishermen shall be one sack per person per day.

E. ~~Any violation of the provisions of this Section shall be considered a class four violation subject to the penalties contained in R.S. 56:34.~~ (1) Violation of any provision of this Section or of any Wildlife and Fisheries Commission regulation pertaining to taking, possessing, recording, or reporting of landings or selling oysters from Calcasieu Lake shall constitute a Class 4 violation. The offender shall also be penalized as follows:

(a) For a first offense, the offender shall forfeit any permit to harvest oysters on Calcasieu Lake and shall be barred from obtaining such permit for the remainder of the period for which it was issued plus one year, during which time the offender shall be barred from participating in any oyster harvesting activity on Calcasieu Lake.

(b) For a second offense, the offender shall forfeit any permit to harvest oysters on Calcasieu Lake and shall be barred from obtaining a permit to harvest oysters on Calcasieu Lake for the remainder of the period for which it was issued plus two years, during which time the offender shall be barred from participating in any oyster harvesting activity on Calcasieu Lake.

(c) For a third offense, the offender shall forfeit any permit to harvest oysters on Calcasieu Lake and shall be permanently barred from obtaining a permit to harvest oysters on Calcasieu Lake and from participating in any oyster harvesting activity on Calcasieu Lake.

(2) Any person who participates in oyster harvesting on Calcasieu Lake while barred shall be penalized under the provisions of a Class 7-B violation."