HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 293 by Representative Dove

FISHING/VESSELS: Authorizes the Wildlife and Fisheries Commission to regulate the taking of certain species of fish and to require the use of vessel monitoring systems in certain circumstances

Synopsis of Senate Amendments

1. Authorize the Commission to set oyster harvest limits on Calcasieu Lake and provides for issuance of special permits to 125 people each year to harvest oysters on Calcasieu Lake.

2. Provide that harvest limits on Calcasieu Lake shall be such that each permittee may harvest up to 25 sacks per day from one, and only one, licensed vessel. Further provides that one and only one permittee may harvest from each licensed vessel per day and no vessel shall be used for more than one trip per day.

3. Provide penalties for illegal oyster harvesting on Calcasieu Lake.

Digest of Bill as Finally Passed by Senate

Proposed law authorizes the Wildlife and Fisheries Commission to promulgate rules to manage recreational landings of fish species managed cooperatively with the Gulf of Mexico Fishery Management Council.

Proposed law also authorizes the Wildlife and Fisheries Commission to promulgate rules which would require the use of a vessel monitoring system by oyster harvester vessels taking oysters from the natural public reefs or the public seed grounds or reservations.

Proposed law also provides for a public records exception for data collected pursuant to the vessel monitoring.

Present law allows oyster harvesting in Calcasieu Lake using tongs; a hand dredge; a single dredge with mechanical assist that has a tooth bar no more than 36 inches long; or use of a single scraper with mechanical assist and a flat bar length of no more than 36 inches.

Proposed law provides that between July 1, 2011 and June 2014, oyster harvesting in Calcasieu Lake requires a special permit issued annually by the Dept. of Wildlife and Fisheries. Limits the number of permits to 125 permits each year to be issued based on a first-come-first-served basis. Requires promulgation of rules and regulations for issuance of the permits. Provides that the permits are in addition to all other required licenses for oyster harvesting.

Present law sets the season for oyster harvesting in Calcasieu Lake beginning between Oct. 15th and Nov. 1st each year and ending April 30th. Authorizes the Commission, with input from the Louisiana Oyster Task Force, to open or close the season based on biological data and to manage East Cove and West Cover separately. Proposed law changes the advising body from the Louisiana Oyster Task Force to the Calcasieu Oyster Task Force.

Present law allows the commission to set the harvest limit not exceed 25 sacks of oysters per day per licensed vessel after consideration of recommendations by the Louisiana Oyster Task Force. Further allows recreational fishermen to harvest oysters.

Proposed law authorizes the commission to set the harvest limit, after consultation with the

Calcasieu Oyster Task Force so that each permittee may harvest up to 25 sacks per day from one, and only one, licensed vessel. Further provides that one and only one permittee may harvest from each licensed vessel per day and no vessel shall be used for more than one trip per day. Sets the harvest limit for recreational fishermen to 1 sack per person per day.

Present law provides that any violation of the present law will be a class 4 violation subject to the penalties contained in R.S. 56:34.

Proposed law provides that a violation constitute a Class 4 violation. In addition, the offender will also be penalized as follows:

(1) 1st offense - forfeiture of the permit to fish for oysters on Calcasieu Lake and prohibition from obtaining such permit for the remainder of the period for which it was issued plus 1 year, during which time the offender will be barred from participating in any oyster harvesting activity on Calcasieu Lake.

(2) 2nd offense - forfeiture of the permit to harvest oysters on Calcasieu Lake and prohibition from obtaining a Calcasieu Lake oyster permit for the remainder of the period for which it was issued plus 2 years, during which time the offender shall be barred from participating in any oyster harvesting activity on Calcasieu Lake.

(3) 3rd offense - forfeiture of the permit to harvest oysters on Calcasieu Lake and permanent prohibition from participating in any oyster fishing activity on Calcasieu Lake.

Proposed law provides that any person who participates in the fishery while barred will be penalized under the provisions of a Class 7-B violation.

(Amends R.S. 44:4.1(B)(33) and 435.1.1; Adds R.S. 56:6(34) and 433.1(A)(4))