

2016 Regular Session

HOUSE BILL NO. 290

BY REPRESENTATIVE GISCLAIR

FISHING/OYSTERS: Changes the name of certain oyster harvest gear from "dredge" to "scraper" and provides for limitations on the dimensions of the scrapers

1 AN ACT

2 To amend and reenact R.S. 56:56(A)(5) and (7), 305(B)(3), 435(A) and (B), 435.1(A),
3 435.1.1(A)(2), and 436(A), relative to oyster harvesting gear; to change the name of
4 certain gear from "dredge" to "scraper"; to provide for limitations on the dimensions
5 and use of scrapers on the public seed grounds and natural reefs; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 56:56(A)(5) and (7), 305(B)(3), 435(A) and (B), 435.1(A),
9 435.1.1(A)(2), and 436(A) are hereby amended and reenacted to read as follows:

10 §56. Seizure or surrender of things illegally used or possessed

11 A. Any enforcing officer may seize:

12 * * *

13 (5) Tackle, seines and other nets, trawls, tongs, ~~dredges~~ scrapers, and other
14 equipment and devices used in taking of fish, shrimp, oysters, or other aquatic life
15 contrary to the provisions of this Title.

16 * * *

17 (7) Tackle, ~~dredges~~, and scrapers which are possessed or operated in an
18 illegal manner or which are required by the provisions of this Title to be licensed or

1 tagged and which are not so licensed or tagged or which are improperly tagged or
2 which are taken contrary to the provisions of this Title.

3 * * *

4 §305. Commercial gear license; issuance to certain nonresidents prohibited;
5 moratorium on certain new gear licenses; renewals

6 * * *

7 B. Residents shall pay a commercial gear fee as follows:

8 * * *

9 (3) Oyster ~~dredge scrapers~~: twenty-five dollars for each ~~dredge scraper~~.

10 * * *

11 §435. ~~Dredges and scrapers~~ Scrapers; use in removing oysters

12 A. All ~~dredges and scrapers~~ used to harvest oysters from the public seed
13 grounds and the natural reefs shall be no longer than ~~six feet~~ fifty-four inches in
14 width measured along the tooth bar. No scraper shall weigh more than one hundred
15 seventy-five pounds nor shall diving boards, hydrofoils, or any other apparatus or
16 attachment intended to create downward pressure be attached to any scraper.

17 B. ~~The dredge~~ For scrapers used to harvest oysters from the public seed
18 grounds and the natural reefs, the scraper teeth shall be no longer than five inches in
19 length, and there shall be a minimum of two and one-quarter inch spacing
20 measured from the center of a tooth to center of the adjacent tooth. A tooth shall
21 not exceed eleven-sixteenths of an inch in diameter. In addition, there shall be no
22 more than ~~seven dredges~~ two scrapers in use on any one vessel. An oyster scraper
23 bag shall only be single mesh with a minimum mesh size of three inches stretched.

24 * * *

25 §435.1. Sabine Lake; methods of harvest; penalty; season; self-propelled vessels;
26 harvested oysters

27 A. Oysters may be harvested in Sabine Lake using tongs, a hand ~~dredge~~
28 scraper, a single ~~dredge with mechanical assist that has a tooth bar no more than~~

1 ~~thirty-six inches long~~, or a single scraper with mechanical assist with a flat bar length
2 of no more than thirty-six inches.

3 * * *

4 §435.1.1. Oyster harvest in Calcasieu Lake

5 A.

6 * * *

7 (2) Such permit shall be in addition to all other licenses and permits required
8 for harvesting of oysters. At all times, such oyster harvesting shall be limited to
9 using tongs, a hand dredge scraper, ~~a single dredge with mechanical assist that has~~
10 ~~a tooth bar no more than thirty-six inches long~~; or use of a single scraper with
11 mechanical assist and a flat bar length of no more than thirty-six inches is allowed.

12 * * *

13 §436. Restricted time of taking oysters

14 A. The taking of oysters from the natural reefs of this state and from
15 privately owned bedding grounds between the hours of one-half hour after sunset and
16 until one-half hour before sunrise is prohibited. During these hours all ~~dredges~~
17 scrapers shall be unshackled, disconnected, or in such condition as to be easily
18 determined by an agent of the department not to have been in recent use.

19 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 290 Engrossed

2016 Regular Session

Gisclair

Abstract: Changes the name of certain oyster harvest gear from "dredge" to "scraper" and alters the allowable dimensions of a scraper used on the public seed grounds and natural reefs

Present law in several places refers to oyster "dredges". Proposed law changes the term to oyster "scrapers".

Present law authorizes the use of dredges and scrapers no longer than six feet in width measured along the tooth bar. Further provides that the teeth shall be no longer than five inches. Limits the number of dredges that can be in use at any one time to seven.

Proposed law limits scrapers used to harvest oysters from the public seed grounds or the natural reefs to 54 inches measured along the tooth bar with no one scraper weighing more than 175 pounds. Prohibits the attachment of diving boards, hydrofoils, or any other apparatus intended to create downward pressure on scrapers.

Proposed law retains the five-inch length limit from present law and requires a minimum of two and one-half inch spacing measured from the center of the tooth to the center of the adjacent tooth with each tooth no thicker than 11/16ths of an inch. Changes the number of scrapers that may be in use at any one time from seven to two. Provides that oyster scraper bags can only be single mesh with a minimum mesh size of three inches stretched.

(Amends R.S. 56:56(A)(5) and (7), 305(B)(3), 435(A) and (B), 435.1(A), 435.1.1(A)(2), and 436(A))

Summary of Amendments Adopted by House

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

1. Remove a section of law applicable to crab dredges rather than oyster dredges.
2. Further refine the prohibition on the use of diving boards and hydrofoils to include any other apparatus or attachment intended to create downward pressure on the scraper.