

## SENATE SUMMARY OF HOUSE AMENDMENTS

**SB 73 By Senator Morrish****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

FISH/FISHING. Provides relative to oyster harvesting in Calcasieu Lake. (gov sig)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Authorizes the Commission to set oyster harvest limits on Calcasieu Lake.
2. Changes provisions relating to issuance of special permits by allowing for the issuance of only 126 permits each year to harvest oysters on Calcasieu Lake.
3. Adds that after July 1, 2014, no special permit will be required to harvest oysters on Calcasieu Lake.
4. Provides 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.
5. Makes technical changes to the penalties for illegal oyster harvesting on Calcasieu Lake.
6. Removes provisions relative to the transferability of special permits.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

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 prohibits oyster harvesting in Calcasieu Lake except by special permit issued by the DW&F and provides harvest limits for recreational fishermen on Calcasieu Lake.

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 126 permits each year. 63 of the permits will be issued to a person who can prove through trip ticket landings that he commercially harvested oysters from Calcasieu Lake any time since January 1, 2001. The remaining 63 permits may be issued to any person.

Proposed law provides that the permits will be issued on a first-come-first-served basis determined by the date the application is received by the department. Further provides that once 126 permits have been issued, there shall be no more issued that year. The commission shall promulgate rules to delineate the procedures by which the permits shall be issued.

Present law sets the season for oyster harvesting in Calcasieu Lake beginning between Oct. 15<sup>th</sup> and Nov. 1<sup>st</sup> each year and ending April 30<sup>th</sup>. 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 changes present law and provides that a violation of any provision of this present law or of any W&F Commission regulation pertaining to taking, possessing, recording or reporting of landings or selling oysters from Calcasieu Lake will constitute a Class 4 violation. In addition, the offender will also be penalized as follows:

- (1) 1<sup>st</sup> offense - the offender shall forfeit any permit to harvest for oysters on Calcasieu Lake and be barred 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) 2<sup>nd</sup> offense, the offender shall forfeit any Calcasieu Lake oyster permit issued to him and be barred 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) 3<sup>rd</sup> offense, the offender shall forfeit any Calcasieu Lake oyster permit issued to him and be permanently barred from obtaining a Calcasieu Lake oyster permit and from participating in any oyster harvesting 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.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 56:435.1.1)

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