

SENATE BILL NO. 73

BY SENATOR MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 56:435.1.1, relative to oyster harvesting; to provide for oyster
3 harvesting in Calcasieu Lake; to provide for harvest limits; to provide for the
4 issuance of certain permits; to authorize rulemaking authority; to provide terms,
5 conditions, and penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 56:435.1.1 is hereby amended and reenacted to read as follows:

8 §435.1.1. Oyster harvest in Calcasieu Lake

9 A.(1) ~~Oyster~~ **Between July 1, 2011 and June 30, 2014, oyster** harvesting in
10 Calcasieu Lake **shall be prohibited except by special permit issued annually by**
11 **the Department of Wildlife and Fisheries or as authorized by R.S.**
12 **56:435.1.1(C)(2). There shall be no more than one hundred twenty-six such**
13 **permits issued each year. Sixty-three of the permits shall be issued only to a**
14 **person who can prove through trip ticket landings that he commercially**
15 **harvested oysters from Calcasieu Lake any time since January 1, 2001. The**
16 **remaining sixty-three permits may be issued to any person. The permits shall**
17 **be issued on a first-come-first-served basis determined by the date the**
18 **application is received by the department. Once one hundred twenty-six**
19 **permits have been issued, there shall be no more issued that year. The**
20 **commission shall promulgate rules and regulations to delineate the procedures**
21 **by which the permits shall be issued.**

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

1 thirty-six inches is allowed.

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

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

13 D. ~~Harvest limits shall be set by the commission not to exceed twenty-five~~
14 ~~sacks of oysters per day per licensed vessel after consideration of recommendations~~
15 ~~by the Louisiana Oyster Task Force.~~ **(1) After considering the recommendations**
16 **by the Calcasieu Oyster Task Force, the commission shall set the harvest limit**
17 **so that each permittee may harvest an amount not to exceed twenty-five sacks**
18 **of oysters per day from one, and only one, licensed vessel. In addition, one and**
19 **only one permittee may harvest from each licensed vessel per day and no vessel**
20 **shall be used for more than one trip per day.**

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

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

30 **(a) For a first offense, the offender shall forfeit any permit to harvest**

1 oysters on Calcasieu Lake and shall be barred from obtaining such permit for
2 the remainder of the period for which it was issued plus one year, during which
3 time the offender shall be barred from participating in any oyster harvesting
4 activity on Calcasieu Lake.

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

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

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

16 Section 2. This Act shall become effective upon signature by the
17 governor or, if not signed by the governor, upon expiration of the time for bills to
18 become law without signature by the governor, as provided by Article III, Section
19 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
20 approved by the legislature, this Act shall become effective on the day following
21 such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____