

Section XIII-101 - License to Dredge; Classes of License; Royalties

A. No person or firm shall dredge fill material, sand or gravel from water bottoms of this state without a license from the Department of Wildlife and Fisheries.

B. The fee for such license shall be set at \$25 for a noncommercial license and \$50 for a commercial license. The license fee is nonrefundable.

C. There shall be five classes of license as indicated in the schedule below. A severance royalty payment, based on cubic yards of material removed from water bottoms of this state, shall be paid to the state through the Department of Wildlife and Fisheries in the amounts indicated in the schedule below.

Class	Applicability	Royalty Payment	License Fee
A	applicable to commercial dredging or initial acquisition of fill sand or fill material with the specific intent to offer such fill for resale	\$0.29 / cubic yard	\$50
B	applicable to dredging of fill sand or fill material for commercial purposes other than the specific intent to offer such fill for resale. Such commercial purposes shall include operations related to mineral activities	\$0.25 / cubic yard	\$50
C	applicable to a person dredging or contracting for dredging of fill sand or fill material for private, noncommercial purposes	\$0.15 / cubic yard	\$25
D	applicable to dredging of fill sand or fill material for an activity that has a public benefit, such as but not limited to a coastal conservation or restoration activity, navigation purpose, removal of sediment buildup, or recreational activity, except as provided in R.S. 56:2011.E.	\$0.05 / cubic yard	\$25
E	applicable to all other dredging of fill sand or fill material	\$0.25 / cubic yard	\$25

1. The license shall be valid for one year beginning January 1 and ending December 31 of that same calendar year. The license may be purchased at any time during the year for the current license year and beginning November 15 for the immediately following license year. No person with an outstanding violation of this Chapter may purchase a license. At all times, the original license shall be available at the dredge site for inspection by a duly authorized agent of the department.**2.** Upon failure to pay royalty when due, a penalty of 1.5 percent per month calculated upon the royalty due, shall be levied and collected by the department in addition to the royalty due. This penalty shall become due without demand for payment by the department. This penalty is in addition to any other penalties or fines as provided by law.**3.** Holder of a class A or B license that exceeds the licensed dredge volume may be levied a penalty of \$0.05 / cubic yard calculated on the volume that exceeds the licensed volume. This penalty shall become due without demand for payment by the department.**4.** Any interest and/or penalty owed on unpaid royalty shall be established by the department in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

D. A license shall not be issued to an applicant who is, or who contracts for the removal of fill material with someone whose fill material license has been revoked or suspended for cause within the past 12 months, or who has an outstanding, unresolved royalty debt to the department, or who has repeatedly violated other provisions of previous permits or agreements may be deemed to not be in good standing with the department.

E. An application, including the applicants name and contact information, dredge site information, estimated amount of material to be removed, detailed description of the proposed activity, and state and federal permit numbers, shall be submitted to the department.

F. A performance bond to run concurrently with the period of the license shall accompany the application. In lieu, the entire royalty fee owed to the state shall be remitted with the application.**1.** The performance bond shall be in the amount equal to the known volume (historical capacity) of the existing pit(s) to be filled.**2.** A certified copy of such bond must be submitted to the Department of Wildlife and Fisheries before commencement of any dredging operation.

G.1. The extent of a single permitted site in the Mississippi River, the Atchafalaya River, the Red River, the Pearl River (not including the West Pearl), the Calcasieu River below the saltwater barrier, the Ouachita/Black River south of the confluence of Bayou Bartholomew shall not exceed 1 linear mile and shall not extend across the geometric center line of the stream.**2.** The extent of a single permitted site on all other streams except designated Natural and Scenic streams shall not exceed 1 linear half mile. Fill material, sand and gravel shall not be permitted to be removed from the water bottom of any designated Natural and Scenic River unless removal of such material is specifically allowed by statute.

La. Admin. Code tit. 76, § XIII-101

Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 19:1341 (October 1993), Amended LR 451477 (October 2019).

Section XIII-103 - Reporting Requirement

A. Holders of a class A, B, D or E licenses shall notify the department, in writing, their intent to begin dredging. Notification shall include anticipated beginning and ending dates of dredging activity.

B. Holders of a class A or B license shall file a monthly report, on forms obtained from the department.**1.** The monthly report must include the total cubic yards of material dredged. The monthly report must be submitted to the department on or before the fifteenth of the following month.**2.** In cases where there was no dredging during the month, a report shall be filed with the department indicating therein that no dredging occurred.**3.** Failure to submit a monthly report or submitting a monthly report with false information will be cause for permit revocation or suspension.**4.** Licensee will provide for each dredge project a pre-and post-dredging cross section survey of the receiving pit to be completed and certified by a registered professional engineer or a registered professional land surveyor for the purpose of determining the quantity of material removed from water bottoms of this state. Upon completion of a cross section survey by a qualified engineer, licensee shall have said engineer complete an affidavit giving pertinent details of the cross section survey. The department will furnish an affidavit form for this purpose. This affidavit will be used as an attachment in conjunction with all cross section surveys. Each dredging event that occurs during the life of a license will be certified in this manner by a qualified engineer. Pre-and post-dredging photographs of the pit shall be provided with the affidavit and cross section survey.**5.** No fill material shall be removed from a pit prior to a post dredging survey being conducted.**6.** Dredge volumes may be calculated by other methods as accepted and approved by the department on a case-by-case basis and prior to any dredging.

La. Admin. Code tit. 76, § XIII-103

Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 451478 (October 2019).

Section XIII-105 - Audit and Inspection**A.** The department reserves the right, and the said licensee so agrees, to permit the departments authorized representatives to examine any and all of the licensees books, records and memoranda of whatever nature, pertaining to or having connection whatever with the removal or sale of said permitted material.**B.** Department reserves the right to have the department's authorized agents or representatives inspect the dredges, barges, boats, scows or other related equipment of any kind by which the said permitted material is removed, and to keep a check on the number of holding pits at the project stockpile site, and also to determine by whatever means it may deem necessary, the number of cubic yards of permitted material which have been removed from the hereinabove described beds or water bottoms, and to require the payment thereof. Furthermore, the department reserves the right to inspect any contracts held by the licensee that related to the licensees pit operation.**C.** Licensee will acquire all other federal, state, local, and municipal permits and permissions required for the licensed activity prior to commencement of work.

La. Admin. Code tit. 76, § XIII-105

Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 451478 (October 2019).

Section XIII-107 - Violations and penalties**A.** Any person or firm found to be dredging without, or in violation of a validly issued license from this department shall be subject to criminal and civil penalties pursuant to R.S. 56:2012, et seq.

La. Admin. Code tit. 76, § XIII-107

Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 451478 (October 2019).