Louisiana Oyster Task Force Meeting
John Tesvich, Chairman

Thursday February 23, 2012  1:00 PM
UNO Advanced Technology Center, 2021 Lakeshore Drive, Suite 210, New Orleans

AGENDA

I. Roll Call

II. Approval of January 12, 2012 MINUTES

III. Treasury Report
A. Oyster Tag Sales
B. LOTF Financial Report

IV. Committee Reports
A. Public and Private Oyster Grounds Committee – (Buddy Pausina)
B. Enforcement - (Steve McManus)
C. Legislative - (Jakov Jurisic)
D. Research – (John Supan)
E. Coastal Restoration – (Dan Coulon)
F. Marketing -
G. Health – (Tenney Sibley)

V. Old Business
A. BP Oil Spill Remediation
   1. Claims Process
   2. Public Reef Remediation
   3. Oyster Lease Remediation

VI. New Business
A. Master Plan Presentation-Kirk Rhinehart- OCPR
B. Dr. Thomas Soniat-Oyster Habitat Suitability Index/Coastal Master Plan
C. NRDA update-Drue Banta

VII. Set Next Meeting

VIII. Adjourn
Oyster Task Force Legislative Committee Meeting

Thursday February 23, 2012  10:30 AM
UNO Advanced Technology Center, 2021 Lakeshore Drive, Suite 210, New Orleans

AGENDA

I. Amendments to seed ground permit
II. Set aside areas for hatcheries
III. Moratorium
IV. Legislation that will require CPRA to develop a mitigation plan for oyster lease owners, oyster harvesters, other fishermen, and families that are displaced by coastal restoration projects.
Oyster Task Force Health Committee Meeting

Thursday February 23, 2012  9 AM
UNO Advanced Technology Center, 2021 Lakeshore Drive, Suite 210, New Orleans

AGENDA

I. Refrigeration Rules and Outreach meetings to industry
Oyster Task Force Meeting
January 10, 2012

I. Roll Call-Meeting called to order at 1:03 p.m.

<table>
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<tr>
<th>Present:</th>
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<tbody>
<tr>
<td>Shane Bagala</td>
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<tr>
<td>Byron Enclave</td>
</tr>
<tr>
<td>Brad Robin</td>
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<tr>
<td>Mark Schexnyder</td>
</tr>
<tr>
<td>Jakov Jurisic</td>
</tr>
<tr>
<td>Al Sunseri</td>
</tr>
<tr>
<td>Glenn Cambre</td>
</tr>
<tr>
<td>Scott Keller in for Major Sammy Martin</td>
</tr>
<tr>
<td>John Tesvich</td>
</tr>
<tr>
<td>Wilbert Collins</td>
</tr>
<tr>
<td>Karl Morgan</td>
</tr>
<tr>
<td>Sam Slavich</td>
</tr>
<tr>
<td>Dan Coulon</td>
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<tr>
<td>Buddy Pausina</td>
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<tr>
<td>Mike Voisin</td>
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<td>Jerome Zeringue</td>
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Absent:

Dana Brocato
David Deere
Peter Vujnovich

Al Sunseri made a motion that we send a notice out to all organizations represented on the task force reminding them to attend meetings. Mike Voisin second. Motion carries.
John Tesvich asked that we also send out letters to OCPR and the Governor’s Office of Coastal Activities to see who they would like to send as their representative

II. Approval of November 15, 2011 minutes-Mike Voisin motion to approve minutes, second by Wilbert Collins, motion carries.

III. Treasury Report
A. Oyster Tag Sales-November tag sales were 115,504.
B. LOTF Financial Report-Motion by Mike Voisin to adopt financial report, second by Wilbert Collins. Motion carries.

IV. Committee Reports
A. Public and Private Oyster Grounds Committee- Met this morning to look at amendment to seed group permit system and seed restoration set aside areas.

In reference to seed ground permits: The committee recommends adding the following; however new applications may be accepted until 12/31/12 from such vessel owners who do not currently possess any oyster seed ground vessel permit; have never previously possessed such a permit, and with respect to whom the department makes a determination of hardship
Al Sunseri makes a motion that this particular recommendation be accepted by the taskforce and the legislation be developed for the upcoming session, second by Wilbert Collins. Motion carries.
Motion by Al Sunseri to change the 4th word from in the recommendation from “may” to “shall” Second by Mike Voisin, Motion carries. Revised addition is. however new applications shall be accepted until 12/31/12 from such vessel owners who do not currently possess any oyster seed ground vessel permit; have never previously possessed such a permit, and with respect to whom the department makes a determination of hardship.
Second committee recommendation pertains to seed restoration set aside areas, Ask LDWF to develop /expand aquaculture/mariculture nursery projects and seek legislation to allow (give authority) to LDWF to set aside areas for aquaculture/mariculture nursery projects. And identify present statute dealing with the current five acre pilot project.
Motion by Mike Voisin to accept the recommendation as amended, second by Wilbert Collins. Motion carries.
Al Sunseri asks that it be amended and “nursery projects” be changed to “shellfish areas and shellfish initiative” in item A. of the recommendation. Dan Coulon seconds. Motion carries. Revised text is Ask LDWF to develop /expand shellfish areas and shellfish initiatives and see legislation to allow (give authority) to LDWF to set aside areas for aquaculture/mariculture shellfish areas and shellfish initiatives. And identify present statute dealing with the current five acre pilot project.
Mike Voisin motions to deviate from agenda and bring up item VI., Jakov Jurisic seconds. Motion carries.
Irma Espino and team from Baron and Budd presented. 300 depositions have been taken from the defendants. The judge has set up 3 stages of the trial, set for February 27th.
B. Enforcement- Steve McManus reported about 90 citations of boats in closed areas.
C. Legislative-Jakov had nothing to report, no pending permits to review. Legislative committee meeting tentatively scheduled to take place before next OTF meeting.
D. Research- John Supan had nothing to report
E. Coastal Restoration- Master Plan is coming out in January 12. Public meetings will be on the 23rd and 24th. Comment Period open until February 25th.
Mike Voisin asked that we schedule a meeting so that the task force can prepare some comments on the master plan before the comment period.
Mike Voisin motions that the chairman of the coastal restoration committee to meet and develop written comments on the 2012 Master Plan on behalf of the task force and present those at the public meetings. Wilbert Collins seconds. Motion carries.
Al recommended that we hold a meeting in Plaquemines parish and ask Jerome Zeringue to make a presentation there. Potential date of January 17 was suggested, at Belle Chasse Auditorium. 6 p.m.
Meeting for plan presentation moved to 4 p.m. on Thursday, February 2.
February 14th 9-12 is the next Fisheries Advisory Meeting at the CPRA Office.

F. Marketing
G. Health

V. Old Business
A. BP Oil Spill Remediation
   1. Claims Process- (PSC, Plaintiffs Steering Committee) committee was successful in getting a 6 percent set aside of funds from anyone who settles in the future and doesn’t have an attorney. If you do have an attorney it will be 4 percent.
   2. Public Reef Remediation
   3. Oyster Lease Remediation

VI. New Business
A. Early Restoration Plan presentation-Drue Banta
   Mike Voisin made a motion to send written comment to support the state’s plan for initial phase of NERDA restoration projects. Second by Dan Coulon. Motion carries.

B. Ratification of Bylaws-
   Motion by Al Sunseri to modify bylaws to now say that the quorum required for the meeting is 6 not 7. Second by Wilbert, Motion carries.

C. Officer Elections
   Motion to nominate John Tesvich as chairman by Jakov Jurisic, second by Wilbert Collins, motion carries.
   Motion to elect Dan Coulon as Vice Chair, second by Wilbert Collins, Motion carries
   Motion to nominate Al Sunseri by Byron Enclande, second by Wilbert Collins. Motion carries
   Mike Voisin moves to close nominations, Dan Coulon seconds.

VII. Set Next Meeting. Next meeting set for Thursday, February 23, 2012. Health Committee meeting at 9 a.m. and Legislative Committee meeting will take place at 10 or 10:30 a.m.

VIII. Motion by Al Sunseri to allow oyster task force members that want to attend ISSC to have their travel reimbursed. Second by Dan Coulon, motion carries. It will be first week in March, probably in South Carolina.

IX. Adjourn- Motion to adjourn by Mike Voisin, second by Dan Coulon. Motion carries. Meeting adjourned at 3:20 p.m.
### Oyster Tag Sales By Type

**7/1/10 - 10/31/11**

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<th></th>
<th>July</th>
<th>August</th>
<th>September</th>
<th>October</th>
<th>November</th>
<th>December</th>
<th>January</th>
<th>February</th>
<th>March</th>
<th>April</th>
<th>May</th>
<th>June</th>
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<td>Generic Bk/Wht</td>
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<td>5,500</td>
<td>22,650</td>
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<td>24,300</td>
<td>8,700</td>
<td>39,300</td>
<td>11,100</td>
<td>4,500</td>
<td>138,804</td>
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<tr>
<td>Laser Black/White Generic</td>
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<td>10,000</td>
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<td>5,500</td>
<td>5,500</td>
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<td>3,700</td>
<td>13,200</td>
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<td>Generic Green</td>
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<td>12,000</td>
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<td>Laser Blue</td>
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<td>18,200</td>
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<td></td>
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<td>18,200</td>
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<td>18,200</td>
<td>76,200</td>
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<td><strong>Total</strong></td>
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<td>17,000</td>
<td>22,000</td>
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<td>84,400</td>
<td>114,604</td>
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<td>692,154</td>
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**7/1/2011 - 6/30/2012**

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<th>January</th>
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<th>May</th>
<th>June</th>
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FINANCIAL REPORT OYSTER DEVELOPMENT (W18)
FISCAL YEAR 2011-2012
As of 1/31/12

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Beginning Fund Balance</td>
<td>163,342</td>
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<td>Revenue from Oyster Tags</td>
<td>86,653</td>
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<td>Revenue from Interest</td>
<td>227</td>
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<td><strong>Total Revenue</strong></td>
<td><strong>86,880</strong></td>
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<tr>
<td>LDWF Salaries &amp; Related Benefits</td>
<td>47,432</td>
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<td>LDWF Travel Expenditures</td>
<td>13,874</td>
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<td>LDWF Operating Services</td>
<td>1,585</td>
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<tr>
<td>LDWF: Professional Service Contract - Thomas M. Soniat MD - Report for Perkinsus Marinus</td>
<td>1,975</td>
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<tr>
<td>LDWF: Other Charges - Gulf Oyster Industry Council - Sponsorship</td>
<td>10,000</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>74,866</strong></td>
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<tr>
<td>LDWF: Other Charges Contract - LSU - Perkinsus Marinus Evaluation</td>
<td>-</td>
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<tr>
<td><strong>Total Encumbrances</strong></td>
<td>-</td>
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<tr>
<td>Remaining FY2012 Fund Balance</td>
<td>175,356</td>
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LDWF Operating Budget
LDWF Budget for FY2012 156,750
LDWF Expenditures 74,866
LDWF Encumbrances -
LDWF Budget Balance for FY2012 81,884

*Note: The FY2012 LDWF Budget for the Oyster Development Fund has been reduced by $8,250. This was due to a 5% Mid-Year Budget Reduction in compliance with Executive Order BJ 2011-25.*
# SEAFOOD PROMOTION AND MARKETING BOARD
## FINANCIAL REPORT OYSTER DEVELOPMENT ACCOUNT (W18)
### FISCAL YEAR 2011-2012
#### AS OF January 31, 2012

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<th>ENCUMBERED</th>
<th>PRE ENCUMBERED</th>
<th>REMAINING BALANCE</th>
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<td>Acquisitions</td>
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<td>Interagency Transfers</td>
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<tr>
<td><strong>Total</strong></td>
<td>156,750.00</td>
<td>74,866.27</td>
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<td>Fund Balance Available</td>
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Regular Session, 2005

HOUSE BILL NO. 339

BY REPRESENTATIVE PITRE

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

AN ACT

To authorize the Grand Isle Port Commission to use certain state property for seafood research; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1.(A) The Grand Isle Port Commission may use, in accordance with this Act, the following described state water bottom, water column, and water surface above the specified section of water bottom:

Approximately five acres in Caminada Pass, Jefferson Parish, Louisiana, circumscribed by lines connecting the following points (projection in North American datum, 1983):

(1) The Northeast corner is located at 29 degrees, 13 minutes, 39.48 seconds North, 90 degrees, 2 minutes, 19.86 seconds West.

(2) The Southeast corner is located at 29 degrees, 13 minutes, 34.08 seconds North, 90 degrees, 2 minutes, 17.10 seconds West.

(3) The Southwest corner is at 29 degrees, 13 minutes, 32.22 seconds North, 90 degrees, 2 minutes, 21.84 seconds West.

(4) The Northwest corner is at 29 degrees, 13 minutes, 34.08 seconds North, 90 degrees, 2 minutes, 21.84 seconds West.
HB NO. 339

of all state and federal agencies with jurisdiction over activities conducted in connection with the project.

Section 2. The commissioner of administration, on behalf of the state of Louisiana, and the Grand Isle Port Commission are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate the use of property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the state and the port commission. In determining appropriate compensation for the use of state property authorized by this Act, the commissioner may consider potential economic development and other benefits resulting from the research contemplated.

Section 3. The Grand Isle Port Commission may, in cooperation with the Louisiana Sea Grant program, participate in a seafood research and economic development program in the area described in Section 1 of this Act.

Section 4. The provisions of this Act shall cease to be effective on August 15, 2015.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 4/16/05

Jesi Fickes
The Louisiana Oyster Task Force’s (LOTF) comments to the 2012 Coastal Master Plan

The CPRA and the Master Plan team are to be commended for their work in advancing the case for addressing coastal land loss in Louisiana. The evolution and development of the 2012 plan since the 2007 plan demonstrates the State’s commitment to the comprehensive approach for this massive and very important public works project.

The LOTF has some serious concerns with selected elements in the 2012 Draft Master Plan, particularly when it comes to the plan’s proposal to use large-scale river diversions for land-building in Plaquemines Parish. The plan is proposing large river diversions into Barataria Bay on the west-bank and into Black Bay/Breton Sound on the east-bank of the Mississippi River. These diversions, with flow rates from 45,000 to 250,000 cfs, are proposed to be opened whenever the Mississippi River is flowing greater than 200,000 cfs, which would be for a period of between 8 and 10 months annually. The clear intent of the Master Plan is to create new river deltas in these estuaries.

The implementation of large-scale diversions in these areas there would mean a large-scale sacrifice of Louisiana’s coastal estuarine habitat. Habitat for raising oysters would be severely diminished in most of Jefferson Parish and on both the west bank and east bank of Plaquemines Parish as well. The major factor causing the loss of habitat would be over-freshening within the estuaries. The over-abundance of river water will also bring high fecal coliform levels which will cause the state shellfish authorities to close down the growing waters in a wide expanse of the basins. Although the oyster industry is currently working with the state on introducing off-bottom oyster aquaculture to the state, aquaculture would not be able to mitigate the massive loss of habitat due to the diversions. The depressed salinity gradients within the estuaries would require moving farms farther off-shore into open exposed waters, which is totally impractical for oyster aquaculture.

The LOTF fully supports coastal restoration and rebuilding of essential wetlands, and we believe that the job can be done without causing the huge sacrifices in fisheries habitat that large-scale river diversions would bring. Large-scale river diversions have a huge drawback. They would severely, detrimentally impact a very important aspect of Louisiana’s coast -- the livelihood, culture, and heritage of the oystermen and commercial fishermen in southeastern Louisiana. Concentrating a number of large scale river diversions in this single area contradicts the Master Plan’s stated objectives numbers four and five. The Master Plan’s objectives regarding sustaining cultural heritage, protecting historical properties, and providing for a “Working Coast” are not being upheld for lower Plaquemines Parish. The livelihoods of oyster growers, and the heritage and contributions of the African American community and the Croatian community in Plaquemines Parish are being threatened by the Master Plan. Creating muddy riverine wildernesses in south Plaquemines Parish may excite some environmentalists and geologists in Baton Rouge, or Washington DC, but for the oyster-growers and fishermen that have worked these areas for generations it is not easy to accept the sacrifice of the once bountiful fishing grounds, resplendent with salt water fish and shellfish.

Another related issue that the LOTF is concerned with is the protection of invaluable natural assets such as the historical oyster reefs located on the Public Oyster Seed Grounds in California.
Bay, American Bay, and Black Bay. Oyster reefs are arguably the most productive natural marine habitat on the planet – surely the most productive in the state of Louisiana. These reefs have been there for hundreds of years and are the heart of Louisiana’s public oyster seed grounds. Commercial oyster harvests from this area have continued for nearly 200 years. The large-scale river diversions planned for Black Bay/Breton Sound would destroy this important historical, natural, renewable, and sustainable resource. Instead of implementing huge river diversions with the indiscriminate damage they would cause, state planners should make plans to rebuild the wetlands surrounding these waters using dredged sediment from the river, and thereafter introducing smaller river diversions to sustain those wetlands. These historical reefs deserve to be protected from manmade damages in the process of implementing coastal restoration and flood protection in our state.

The LOTF supports rebuilding barrier islands, coastal lands, and ridges in accordance with the “multiple lines of defense” structure. The use of dredges and pipeline sediment delivery systems are the most efficient engineering-based method available to accomplish this. Deployment of dredges to accomplish rebuilding will create immediate results by providing for badly needed storm-surge protection in the short term, whereas, river diversions would make the coast more susceptible to storm surge damages for at least several decades. As such, the exclusive reliance on massive river diversions in this area is woefully shortsighted in terms of public safety.

The LOTF believes that the Master Plan could achieve much greater land-building efficiency if the planners would forgo the individual project-based approach for coastal rebuilding, and adopt an integrated coastal rebuilding program instead. Contractors that normally bid on individual coastal projects have to include significant mobilization and demobilization costs, and risk management costs into their bidding equations. These factors, extraneous to the actual land-building cost, can add up to 50% of the total project cost. This is counterproductive to the rebuilding goal. The huge size and scope of the land building work that has to be done in coastal Louisiana means that we should be able to integrate construction projects in order to reduce mobilization and demobilization costs. Furthermore, included in the integration process there should be protocols established that would minimize risk and uncertainty to the contractors. This, in turn, will yield dramatic results in cost efficiency.

Since a lot of the land-building work will require dredges for moving sediment, an example of integration would be hiring a dredge long-term that would work continuously on marsh creation at successive sites instead of dividing the dredge work into projects bid out separately. Establishing protocols that minimize performance risk for the contractors while requiring that they work closely with state engineers to supervise the work in real-time instead of conducting inspections after-the-fact would yield additional cost savings. Program integration would yield remarkable benefits in efficiency and cost savings, thereby increasing the amount of land created for a given sum of money.

Coastal rebuilding and flood protection are vitally important to Louisiana’s oyster industry, and we support the Master Plan concept in that regard. The LOTF has some serious concerns in regards to certain elements in the 2012 Coastal Master Plan. The future shape, size, and diversity of the oyster industry in Louisiana is clearly at stake. We believe that changes can be made to the Master Plan that would be less destructive to ecosystem habitats, and result in achieving more coastal wetlands in the short-term and long-term. Throughout this process, the LOTF has enjoyed a close working relationship with many of Master Plan team members. We look forward to continuing that working relationship well into the future.
B. The following vessel owners, as listed in the official records of the department at the time of application for the permit or who can, at the time of application, demonstrate to the department that ownership of that vessel has transferred to them, shall be eligible to receive an oyster seed ground vessel permit:

(1) Any person who owned a vessel that was licensed at any time between January 1, 2004, and May 1, 2009, and can demonstrate through trip ticket submissions that that vessel had oyster landings in the state of Louisiana between January 1, 2004, and May 1, 2009.

(2) Any person who purchased or constructed a vessel and licensed that vessel in the state of Louisiana between January 1, 2004, and May 1, 2009, and who can demonstrate through trip ticket submissions that oysters were landed on that vessel in the state of Louisiana between the time of the vessel's purchase or construction and May 1, 2009.

(3) Any person who can provide evidence that he has a vessel that is under construction in the state of Louisiana that is at least fifty percent complete on May 1, 2009.

C. There is hereby created the Oyster Seed Ground Vessel Permit Appeals Board to be composed of Louisiana licensed oyster harvesters who hold oyster seed ground vessel permits appointed as follows:

(1) Two members appointed by the Louisiana Oyster Dealers and Growers Association, one member to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line, including Orleans Parish, and one member to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(2) One member appointed by the Plaquemines Oyster Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(3) One member appointed by the Terrebonne Oyster Association to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(4) One member appointed by the Southwest Pass Oyster Dealers and Growers Association to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(5) One member appointed by the United Commercial Fisherman's Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(6) One member appointed by the Delta Commercial Fisherman's organization to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(7) One member who is an oyster grower appointed by the president of the Louisiana Farm Bureau Federation to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(8) One member appointed by the Louisiana Oystermen Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line, including Orleans Parish.

D. (1) The Oyster Seed Ground Vessel Permit Appeals Board is established to hear appeals of oyster seed ground vessel permit applications denied by the department. The board shall be limited to determinations of the eligibility of a permit applicant for a permit and to instances where a permit

Wildlife and Fisheries
September, 2011
§433.1. Oyster seed ground vessel permit; Oyster Seed Ground Vessel Permit Appeals Board

A. (1) Any oysters taken for commercial purposes from the public natural reefs or the oyster seed grounds or reservations, except those in Calcasieu Lake or Sabine Lake, shall be placed only on a vessel which has an oyster seed ground vessel permit issued exclusively by the department pursuant to rules and regulations promulgated by the commission. Such permit shall be issued in the name of the vessel owner and shall identify the vessel permitted by including the state registration number or the United States Coast Guard documented number. The permit shall identify the vessel that may possess and transport oysters taken from the public natural reefs and oyster seed grounds. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold, exchanged, or otherwise transferred. The permit is valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year, and permit holders who hold a valid permit during the prior year may renew the permit at any time of the year for the current license year and from November fifteenth for the immediately following license year. The cost of the permit shall be fifteen dollars for residents and sixty dollars for nonresidents.

(2) Vessel owners, as listed in the official record of the department at the time of application, who meet the requirements of Subsection B of this Section shall have the right to submit to the department a new application for an oyster seed ground vessel permit. No new applications for such vessel permits shall be accepted after December 31, 2009. A vessel owner shall be eligible for a permit only for each vessel which can be used to meet the qualifications for a permit under the provisions of Subsection B of this Section.

(3) The taking of oysters from the public natural reefs or the oyster seed grounds or reservations without an oyster seed ground vessel permit shall be a class two violation subject to the penalties provided in R.S. 56:32 and to the requirements of R.S. 56:424.1.

(4) In an effort to collect data to enable the department to better manage the public oyster resource, the commission may adopt rules and regulations which require the use of a vessel monitoring system for use by a vessel taking oysters for commercial purposes under the authority of the oyster seed ground vessel permit. Any data collected by the department shall be confidential and shall not be subject to the Public Records Law.

B. The following vessel owners, as listed in the official records of the department at the time of application for the permit or who can, at the time of application, demonstrate to the department that ownership of that vessel has transferred to them, shall be eligible to receive an oyster seed ground vessel permit:

(1) Any person who owned a vessel that was licensed at any time between January 1, 2004, and May 1, 2009, and can demonstrate through trip ticket submissions that that vessel had oyster landings in the state of Louisiana between January 1, 2004, and May 1, 2009.

(2) Any person who purchased or constructed a vessel and licensed that vessel in the state of Louisiana between January 1, 2004, and May 1, 2009, and who can demonstrate through trip ticket submissions that oysters were landed on that vessel in the state of Louisiana between the time of the vessel's purchase or construction and May 1, 2009.

(3) Any person who can provide evidence that he has a vessel that is under construction in the state of Louisiana that is at least fifty percent complete on May 1, 2009.

C. There is hereby created the Oyster Seed Ground Vessel Permit Appeals Board to be composed of Louisiana licensed oyster harvesters who hold oyster seed ground vessel permits appointed as follows:
(1) Two members appointed by the Louisiana Oyster Dealers and Growers Association, one member to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line, and one member to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(2) One member appointed by the Plaquemines Oyster Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(3) One member appointed by the Terrebonne Oyster Association to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(4) One member appointed by the Southwest Pass Oyster Dealers and Growers Association to be appointed from the coastal parishes located between the Plaquemines/Jefferson Parish line and the Louisiana/Texas state line.

(5) One member appointed by the United Commercial Fisherman's Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(6) One member appointed by the Delta Commercial Fisherman's organization to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(7) One member who is an oyster grower appointed by the president of the Louisiana Farm Bureau Federation to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line.

(8) One member appointed by the Louisiana Oystermen Association to be appointed from the coastal parishes located between the Mississippi/Louisiana state line and the Plaquemines/Jefferson Parish line, including Orleans Parish.

(9) One member appointed by the Calcasieu Lake Oyster Task Force.

D. (1) The Oyster Seed Ground Vessel Permit Appeals Board is established to hear appeals of oyster seed ground vessel permit applications denied by the department. The board shall be limited to determinations of the eligibility of a permit applicant for a permit and to instances where a permit may be issued based on a determination of hardship. The commission shall promulgate guidelines to be used by the board to determine an applicant's eligibility and whether or not an applicant should be granted a permit. Such determination shall require a favorable vote of a majority of the appointed members of the board and the record of decision shall clearly state the reasons or rationale for granting or denying the permit.

(2) The board shall be subject to the Open Meetings Law and the Public Records Act. A quorum is required to conduct business. Vacancies shall be filled in the same manner as the original appointment.

(3) Any decision of the board or the department regarding issuance or the lack of issuance of a permit may be appealed de novo to the Nineteenth Judicial District Court.

E. The provisions of this Section shall be applicable to license year 2009 and thereafter and shall become null and void and of no effect beginning on November 15, 2013, and thereafter. The commission shall establish requirements for the obtaining of an Oyster Seed Ground Vessel Permit for individuals who do not qualify under subsection B of this Section. The requirements for obtaining the permit shall include, but need not be limited to:

(1) That the applicant engages in and completes a professionalism training course.
(2) That the applicant shall possess all the appropriate licenses and permits, and shall remain engaged in the commercial harvesting activity for a period of time to be determined as an apprentice to a person who possesses a valid commercial fisherman’s license, commercial harvester license, and oyster seed ground vessel permit issued by the department, and who is engaged in the commercial harvesting of oysters by approved methods. The applicant will agree to be aboard a vessel with his mentor while engaged in the fishing activity during the apprenticeship period.
§435.1.1. Oyster harvest in Calcasieu Lake

A.(1) Between July 1, 2011 and June 30, 2014, oyster harvesting in Calcasieu Lake shall be prohibited except by special permit issued annually by the Department of Wildlife and Fisheries or as authorized by R.S. 56:435.1.1(D)(2). There shall be no more than one-hundred twenty-six such permits issued each year. Sixty-three of the permits shall be issued only 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 sixty-three permits may be issued to any person. The permits shall be issued on a first-come-first-served basis determined by the date the application is received by the department. Once one hundred twenty-six permits have been issued, there shall be no more issued that year. The commission shall promulgate rules and regulations to delineate the procedures by which the permits shall be issued.

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

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

C. The commission shall fix the open season for oyster harvest in Calcasieu Lake, which shall begin on any date between October fifteenth and November first and shall end on April thirtieth. However, in consultation with the Calcasieu Oyster Task Force, the commission may open or close the season as biological data indicate a need and may manage East Cove and West Cove separately.

D.(1) After considering the recommendations by the Calcasieu Oyster Task Force, the commission shall set the harvest limit so that each permittee may harvest an amount not to exceed twenty-five sacks of oysters per day from one, and only one, licensed vessel. In addition, 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.

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

E.(1) Violation of any provision of this Section or of any Wildlife and Fisheries Commission regulation pertaining to taking, possessing, recording or reporting of landings or selling oysters from Calcasieu Lake shall constitute a Class 4 violation. The offender shall also be penalized as follows:

(a) For a first offense, the offender shall forfeit any permit to harvest oysters on Calcasieu Lake and shall be barred from obtaining such permit for the remainder of the period for which it was issued plus one year, during which time the offender shall be barred from participating in any oyster harvesting activity on Calcasieu Lake.

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

(2) Any person who participates in oyster harvesting on Calcasieu Lake while barred shall be penalized under the provisions of a Class 7-B violation.
§433. Culling oysters taken from natural reefs; size limits

A. All oysters taken from the natural reefs of this state which measure less than three inches from hinge to mouth and all dead shell shall be immediately replaced and scattered broadcast upon the natural reefs from which taken. No captain, person in charge of any vessel, canner, packer, commission man, or other person shall have in his possession off the natural reefs any natural reef oysters which were not taken in accordance with the provisions of this Subpart. Any excess of over fifteen percent of dead shells and oysters under the size prescribed herein, in any cargo lot of oysters, except any cargo lot of oysters to be used as seed oysters for bedding purposes only, shall be considered a violation of this Subpart, and any officer of the department may cause to be counted the whole or part of the cargo or lot of oysters at the expense of the person or vessel, to determine the percentage. No oysters under one inch in length from hinge to mouth shall be counted, and each half shell of over one inch shall be counted as one.

B.(1) Under its supervision and direction, the department may permit lessees of oyster bedding grounds to fish oysters of any size, without charge, from the natural reefs of the waters of this state. Such oysters are to be used as seed oysters for bedding purposes only. The department may designate from which natural reefs oysters may be fished and the quantity to be taken therefrom by any lessee. The natural reefs may be fished for the harvest of seed oysters only each year starting the first Wednesday after Labor Day. Beginning on the second Monday in October each year, the seed grounds may be opened for the harvest of oysters for market sales in addition to the harvest of seed oysters. All harvest of oysters on the public seed grounds shall cease on April thirtieth of each year. However, the commission may extend the taking of oysters on natural reefs by setting the last day of the season if it is determined that sufficient quantities of oysters are available to accommodate such additional taking in designated areas. When setting the last day of the season, the commission shall consider the recommendations of the Oyster Task Force. The commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the department. When designating those areas of the natural reefs that may be fished, the commission shall consider the recommendations of the Oyster Task Force.

(2) The commission shall annually set aside one or more areas east of the Mississippi River for the exclusive use of sackers. The designation of the said areas is to be based on the best available data by the department for ensuring the economic development of the fisheries. One of the areas so designated shall be located in the American Bay area east of the Mississippi River in Plaquemines Parish. The total areas designated shall not exceed one-fourth of the total areas of public seed grounds east of the Mississippi River. The commission may, by rule, provide for oyster size restrictions in these sacking areas.

C. No person shall take oysters from the natural reef of the waters of the state during the period beginning the day following the closing date set by the commission pursuant to Paragraph (B)(1) of this Section and ending the Tuesday following Labor Day. No person shall can, shuck, or pack any oysters from the natural reefs during the closure period. This provision does not prevent any lessee of oyster bedding grounds from harvesting his own oysters and using them for personal home consumption or for sale during the time of closure.

D. No person shall remove oysters from any state owned natural reef for the purpose of steam processing from the first Wednesday after Labor Day through December 31, both dates inclusive.

E. The department, at one of its regular meetings, in the exercise of its duties to improve, enlarge, and protect the state-owned natural reefs of this state, and after affording industry, department personnel, and interested parties an opportunity to be heard, shall have the option, between January first and the last day of the season of each year, of closing any portion or all of the natural oyster reefs of this state to the harvest of oysters, and/or of setting harvesting size limits on
A. The WLF Commission shall regulate the harvest of oysters from the natural reefs of the state. The commission each year shall set opening and closing dates for the harvest of oysters from the natural reefs. Separate seasons shall be set for the harvest of bedding oysters and for the harvest of oysters for market and consumption. When setting the opening and closing dates of such seasons, the commission shall consider the recommendations of the Louisiana Oyster Task Force. The commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the department. When designating those areas of the natural reefs that may be fished, the commission shall consider the recommendations of the Oyster Task Force.

B.(1) When harvesting oysters for market or consumption purposes, only oysters which are in excess of three inches from hinge to mouth may be taken. All oysters which measure less than three inches from hinge to mouth and all dead shell shall be immediately returned and broadcast to the natural reefs from whence taken. When harvesting for market or consumption purposes, no cargo lot shall contain excessive amounts of dead shells or cultch material. An amount of dead shells and cultch material plus undersized oysters in excess of fifteen percent of any cargo lot of oysters shall be considered a violation of this Section and any officer of the department may count the whole cargo lot or any portion thereof at the expense of the person in charge of the vessel.

(2) When harvesting oysters for bedding purposes, oysters of any size may be taken; however, such oysters may only be used for bedding purposes. The commission may designate from which natural reefs oysters may be fished and the quantity that may be taken by any lessee. When harvesting for bedding purposes, no cargo lot shall contain excessive amounts of dead shells or cultch material. An amount of dead shells and cultch material in excess of twenty percent of any cargo lot of oysters for bedding purposes shall be considered a violation of this Section and any officer of the department may count the whole cargo lot or any portion thereof at the expense of the person in charge of the vessel.

(3) The commission shall annually set aside one or more areas east of the Mississippi River for the exclusive use of sackers. The designation of the said areas is to be based on the best available data by the department for ensuring the economic development of the fisheries. One of the areas so designated shall be located in the American Bay area east of the Mississippi River in Plaquemines Parish. The total areas designated shall not exceed one-fourth of the total areas of public seed grounds east of the Mississippi River. The commission may, by rule, provide for oyster size restrictions in these sacking areas.

C. No person shall take oysters from the natural reefs of the waters of the state during the period beginning the day following the closing date set by the commission pursuant to Paragraph (B)(1) of this Section and ending the Tuesday following Labor Day except during the open seasons as set by the commission under the authority of this Section. No person shall can, shuck, or pack any oysters from the natural reefs during the closure period. This provision does not prevent any lessee of oyster bedding grounds from harvesting his own oysters and using them for personal home consumption or for sale during the time of closure.
D. No person shall remove oysters from any state owned natural reef for the purpose of steam processing from the first Wednesday after Labor Day through December 31, both dates inclusive.

E. The department commission, at one of its regular meetings, in the exercise of its duties to improve, enlarge, and protect the state-owned natural reefs of this state, and after affording industry, department personnel, and interested parties an opportunity to be heard, shall have the option, between January first and the last day of the season of each year, of closing any portion or all of the natural oyster reefs of this state to the harvest of oysters, and/or shall have the option of setting harvesting size limits on any portion or all of the natural oyster reefs of this state, as expected conditions warrant. The department shall notify the oyster industry of its determination by filing the information in the office of the secretary, and by notice once weekly for two weeks prior to implementation, in the newspapers of general circulation in the coastal zone.

F. The limitations as to size contained in Subsection A shall not apply to seed oysters lawfully fished from the natural reefs.

G. No provisions of this Section shall prevent the department commission from exercising its option to close the natural grounds to all oyster fishing as provided in Subsection B of this Section.

H. The provisions of this Section do not apply to a lessee of private bedding grounds when harvesting his own oysters.

I. The commission shall designate the natural reefs by regulation.

J. A violation of the provisions of this Section shall constitute a class two four violation.
A. The WLF Commission shall regulate the harvest of oysters from the natural reefs of the state. The commission each year shall set opening and closing dates for the harvest of oysters from the natural reefs. Separate seasons shall be set for the harvest of bedding oysters and for the harvest of oysters for market and consumption. When setting the opening and closing dates of such seasons, the commission shall consider the recommendations of the Louisiana Oyster Task Force. The commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the department. When designating those areas of the natural reefs that may be fished, the commission shall consider the recommendations of the Oyster Task Force.

B.(1) When harvesting oysters for market or consumption purposes, only oysters which are in excess of three inches from hinge to mouth may be taken. All oysters which measure less than three inches from hinge to mouth and all dead shell shall be immediately returned and broadcast to the natural reefs from whence taken. When harvesting for market or consumption purposes, no cargo lot shall contain excessive amounts of dead shells or cultch material. An amount of dead shells and cultch material plus undersized oysters in excess of fifteen percent of any cargo lot of oysters shall be considered a violation of this Section and any officer of the department may count the whole cargo lot or any portion thereof at the expense of the person in charge of the vessel.

(2) When harvesting oysters for bedding purposes, oysters of any size may be taken; however, such oysters may only be used for bedding purposes. The commission may designate from which natural reefs oysters may be fished and the quantity that may be taken by any lessee. When harvesting for bedding purposes, no cargo lot shall contain excessive amounts of dead shells or cultch material. An amount of dead shells and cultch material in excess of twenty percent of any cargo lot of oysters for bedding purposes shall be considered a violation of this Section and any officer of the department may count the whole cargo lot or any portion thereof at the expense of the person in charge of the vessel.

(3) The commission shall annually set aside one or more areas east of the Mississippi River for the exclusive use of sackers. The designation of the said areas is to be based on the best available data by the department for ensuring the economic development of the fisheries. One of the areas so designated shall be located in the American Bay area east of the Mississippi River in Plaquemines Parish. The total areas designated shall not exceed one-fourth of the total areas of public seed grounds east of the Mississippi River. The commission may, by rule, provide for oyster size restrictions in these sacking areas.

C. No person shall take oysters from the natural reefs of the waters of the state during the period beginning the day following the closing date set by the commission pursuant to Paragraph (B)(1) of this Section and ending the Tuesday following Labor Day except during the open seasons as set by the commission under the authority of this Section. No person shall can, shuck, or pack any oysters from the natural reefs during the closure period. This provision does not shall not prevent any lessee of oyster bedding grounds from harvesting his own oysters and using them for personal home consumption or for sale during the time of closure.
D. No person shall remove oysters from any state owned natural reef for the purpose of steam processing from the first Wednesday after Labor Day through December 31, both dates inclusive.

E. The department commission, at one of its regular meetings, in the exercise of its duties to improve, enlarge, and protect the state-owned natural reefs of this state, and after affording industry, department personnel, and interested parties an opportunity to be heard, shall have the option, between January first and the last day of the season of each year, of closing any portion or all of the natural oyster reefs of this state to the harvest of oysters, and/or and shall have the option of setting harvesting size limits on any portion or all of the natural oyster reefs of this state, as expected conditions warrant. The department shall notify the oyster industry of its determination by filing the information in the office of the secretary, and by notice once weekly for two weeks prior to implementation, in the newspapers of general circulation in the coastal zone.

F. The limitations as to size contained in Subsection A shall not apply to seed oysters lawfully fished from the natural reefs.

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G. No provisions of this Section shall prevent the department commission from exercising its option to close the natural grounds to all oyster fishing as provided in Subsection B A of this Section.

H. The provisions of this Section shall not apply to a lessee of private bedding grounds when harvesting his own oysters.

I. The commission shall designate the natural reefs by regulation.

J. A violation of the provisions of this Section shall constitute a class two four violation.
**Describe Intent of Legislation:** To provide a safety net for commercial fishermen, oyster lease-owners, seafood dealers and seafood processors that are displaced by the 2012 Coastal Master Plan.

The Coastal Restoration and Protection Authority (CPRA) has advanced the 2012 Coastal Master Plan that will be a blueprint for coastal restoration and flood protection for the entire Louisiana coast for the next 50 years. The plan describes the largest set of public works projects ever put in place in Louisiana. The designs in the plan will reshape and determine the future landscape of Louisiana’s coast. The plan describes the necessity of making hard decisions, and that it is impractical if not impossible to save the entire coastal habitat that the state currently has. The plan openly states that displacements and transitions are inevitable.

The plan also clearly prioritizes the long-term protection of major population centers and strategic assets, including important economic engines such as the energy industry and navigation. On the other hand, it is also abundantly clear that some coastal communities and the livelihoods of many people that live and work along the coast, such as fishermen and oyster lease-owners, will be severely impacted in certain areas.

The Master Plan describes the importance of sustaining Louisiana’s fisheries for its economic importance, and for its role in the culture of the people, their heritage, and for the State’s food/tourism industry. Fishing has been a part of the cultural fabric of the Louisiana coast since its beginnings. The fishing industry includes shrimpers, oyster harvesters, oyster growers and oyster lease-owners, crabbers, fin fishermen, seafood dealers, and seafood processors. The 2012 Master Plan, however, does not provide specifics on how much displacement in the fisheries each project will cause. Furthermore there is no evaluation of the economic impact in the category of environmental services, under which the fisheries is included. Finally there is no mitigation plan that provides for relocation, retraining and recapitalizing of the affected fisherman, oyster lease-owners, seafood dealers, and processors.

It is the intent of this legislation to address the potential economic impacts of coastal restoration projects on the affected fishing industry. The legislation will require that CPRA or other appropriate agency:

1) Develop models for predicting the economic impact of coastal restoration projects on the fisheries and oyster lease-owners in Louisiana. The model will be as comprehensive as practical, and will include cumulative impacts from different projects affecting the same areas.

2) Provide a breakdown of the projected impacts by specific basin and sub-basin areas and by affected fishery. The economic impacts will also be broken down by the communities and ports-of-landing affected.

3) Design mitigation programs that will include relocation, buyout, and retraining programs in cases where impacts on the fisheries and oyster lease-owners are inevitable.

4) Will seek input from the Louisiana Oyster Task Force, The Louisiana Shrimp Task Force, and the Louisiana Crab Task Force, during the development of the mitigation programs.

5) Will project the dollar cost of the individual mitigation programs.
For an example of a successful mitigation program carried out in the past, the agency can use the Davis Pond Oyster Lease Relocation Program instituted in year 2000. Described in a LSU Sea Grant News Letter as follows:

Users' Guide to Louisiana's Oyster Lease Relocation Program*

Purpose of Program
The Louisiana legislature, recognizing the potential for conflict between coastal restoration and oyster leasing, mandated the DNR in R.S. 56:432.1. to develop the Oyster Lease Relocation Program (OLRP) to help offset the harmful effects of coastal restoration on oyster leaseholders within the coastal restoration project areas.

Changes Made For Davis Pond Freshwater Diversion Project
After passage of the legislation that created the OLRP, DNR developed detailed regulations for the program which became effective in December 1998. In July 2000, DNR produced a new set of regulations to carry out the OLRP in the Davis Pond Oyster Influence Area in connection with the Davis Pond Freshwater Diversion Project. The July 2000 regulations are applicable only to the Davis Pond project and supercede the December 1998 rules in so far as there is a conflict with July 2000 rules. Therefore, if an oyster lease is located in the Davis Pond area, the July 2000 regulations apply; if the oyster lease is anywhere else, the December 1998 regulations are still applicable.

*http://www.lsu.edu/srlegal/pdfs/oyster_relocation.pdf
A. The WLF Commission shall regulate the harvest of oysters from the natural reefs of the state. The commission each year shall set opening and closing dates for the harvest of oysters from the natural reefs. Separate seasons shall be set for the harvest of bedding oysters and for the harvest of oysters for market and consumption. When setting the opening and closing dates of such seasons, the commission shall consider the recommendations of the Louisiana Oyster Task Force. The commission may designate what parts or portions of the natural reefs may be fished for oysters and it may suspend the fishing of oysters altogether from natural reefs not leased by it when such reefs are threatened with depletion as determined by the department. When designating those areas of the natural reefs that may be fished, the commission shall consider the recommendations of the Oyster Task Force.

B.(1) When harvesting oysters for market or consumption purposes, only oysters which are in excess of three inches from hinge to mouth may be taken. All oysters which measure less than three inches from hinge to mouth and all dead shell shall be immediately returned and broadcast to the natural reefs from whence taken. When harvesting for market or consumption purposes, no cargo lot shall contain excessive amounts of dead shells or culch material. An amount of dead shells and culch material plus undersized oysters in excess of fifteen percent of any cargo lot of oysters shall be considered a violation of this Section and any officer of the department may count the whole cargo lot or any portion thereof at the expense of the person in charge of the vessel.

(2) When harvesting oysters for bedding purposes, oysters of any size may be taken; however, such oysters may only be used for bedding purposes. The commission may designate from which natural reefs oysters may be fished and the quantity that may be taken by any lessee. When harvesting for bedding purposes, no cargo lot shall contain excessive amounts of dead shells or culch material. An amount of dead shells and culch material in excess of twenty percent of any cargo lot of oysters for bedding purposes shall be considered a violation of this Section and any officer of the department may count the whole cargo lot or any portion thereof at the expense of the person in charge of the vessel.

(3) The commission shall annually set aside one or more areas east of the Mississippi River for the exclusive use of sackers. The designation of the said areas is to be based on the best available data by the department for ensuring the economic development of the fisheries. One of the areas so designated shall be located in the American Bay area east of the Mississippi River in Plaquemines Parish. The total areas designated shall not exceed one-fourth of the total areas of public seed grounds east of the Mississippi River. The commission may, by rule, provide for oyster size restrictions in these sacking areas.

C. No person shall take oysters from the natural reefs of the waters of the state during the period beginning the day following the closing date set by the commission pursuant to Paragraph (B)(1) of this Section and ending the Tuesday following Labor Day except during the open seasons as set by the commission under the authority of this Section. No person shall can, shuck, or pack any oysters from the natural reefs during the closure period. This provision shall not prevent any lessee of oyster bedding grounds from harvesting his own oysters and using them for personal home consumption or for sale during the time of closure.
D. No person shall remove oysters from any state owned natural reef for the purpose of steam processing from the first Wednesday after Labor Day through December 31, both dates inclusive.

E. The department commission, at one of its regular meetings, in the exercise of its duties to improve, enlarge, and protect the state-owned natural reefs of this state, and after affording industry, department personnel, and interested parties an opportunity to be heard, shall have the option, between January first and the last day of the season of each year, of closing any portion or all of the natural oyster reefs of this state to the harvest of oysters, and/or and shall have the option of setting harvesting size limits on any portion or all of the natural oyster reefs of this state, as expected conditions warrant. The department shall notify the oyster industry of its determination by filing the information in the office of the secretary, and by notice once weekly for two weeks prior to implementation, in the newspapers of general circulation in the coastal zone.

F. The limitations as to size contained in Subsection A shall not apply to seed oysters lawfully fished from the natural reefs.

G. No provisions of this Section shall prevent the department commission from exercising its option to close the natural grounds to all oyster fishing as provided in Subsection B A of this Section.

H. The provisions of this Section shall not apply to a lessee of private bedding grounds when harvesting his own oysters.

I. The commission shall designate the natural reefs by regulation.

J. A violation of the provisions of this Section shall constitute a class two four violation.
AN ACT

To enact R.S. 56:805, relative to recreational reef sites; to authorize the Wildlife and Fisheries Commission to establish such sites; to authorize the commission to regulate fishing from such reef sites; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:805 is hereby enacted to read as follows:

§805. Establishment of recreational reef sites; designation and regulation

A. In an effort to enhance inshore fisheries habitat, the commission may designate and set aside areas of the state's water bottoms as recreational reef. The commission shall promulgate through the Administration Procedure Act the location of a reef, the types of materials to be used to construct and replenish the reef, and regulations governing fishing on and above the site including, but not limited to, harvest seasons and times and creel limits. There shall be no harvest of oysters from the sites so set aside.

B. A violation of the provisions of this Section shall be a class four violation punishable under the provisions of R.S. 56:34.
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)]

Abstract: Authorizes the Wildlife and Fisheries Commission to establish recreational reefs where oyster harvest is prohibited

(Adds R.S. 56:56:805)