

Oyster Tag Sales By Type

7/1/10 -6/30/11

	July					
Generic Green	5,000					
Laser Blue	18,000					
Personalized Laser Blk/Wht	<u>18,000</u>					
Total	41,000	0	0	0	0	0

State Oyster_2005:2

7/1/2009 through 6/30/2010 (Cash Basis)

7/14/2010

Date	Description	Memo	Clr	Amount
EXPENSES				
A (SALARIES) ***OBJ 2100-2150				
7/31/2009	Other A (SALARIES) ***OBJ 2100-2150	SALARIES		-105,851.16
		YTD		-11,934.61
C (RELATED BENEFITS) RC 2300 - 2410				
7/31/2009	Other C (RELATED BENEFITS) RC 2300 - 2410	RELATED BENEFITS		-11,934.61
		YTD		-2,304.43
D (TRAVEL) OBJ 2500 -2690				
2530 BOARD MEMBER				
7/31/2009	DANIEL COULON	Mileage Reimbursement		-72.80
7/31/2009	JOHN TESVICH	Mileage Reimbursement		-62.40
8/31/2009	RALPH PAUSINA	Mileage Reimbursement May - July 2009		-142.48
12/29/2009	Daniel Coulon	Mileage Reimbursement		-104.00
12/29/2009	JOHN TESVICH	Mileage Reimbursement		-59.28
12/29/2009	RALPH PAUSINA	Mileage Reimbursement		-165.88
12/29/2009	RALPH PAUSINA	Mileage Reimbursement		-82.16
12/29/2009	Shane Bagala	Mileage reimbursement		-132.60
2/8/2010	Daniel Coulon	Mileage Reimbursement - February 2010		-48.00
2/8/2010	RALPH PAUSINA	Mileage Reimbursement		-82.16
2/24/2010	Shane Bagala	Mileage reimbursement		-123.36
2/24/2010	RALPH PAUSINA	Mileage Reimbursement		-72.48
2/24/2010	Shane Bagala	Mileage reimbursement		-123.36
3/31/2010	Daniel Coulon	Mileage Reimbursement - March 2010		-48.00
5/20/2010	Shane Bagala	Mileage reimbursement		-83.18
				-7,647.44
2610 OUT OF STATE				
4/12/2010	Bank OF AMERICA	Travel to Food protection conference		-24.00
4/12/2010	Bank OF AMERICA	Travel to Food protection conference		-462.80
6/15/2010	Paul Rother	2010 LA Alive Travel Expenses		-1,333.13
6/15/2010	Brian Landry	2010 LA Alive Travel Expenses		-1,134.23
6/15/2010	Chris Montero	2010 LA Alive Travel Expenses		-1,172.47
6/15/2010	John Flanagan	2010 LA Alive Travel Expenses		-1,020.76
6/15/2010	LUCIEN GUNTER	2010 LA Alive Travel Expenses/Washington, DC		-455.00
6/15/2010	Michael Broadway	2010 LA Alive Travel Expenses		-198.00
6/15/2010	NORMAN CONERLY	2010 LA Alive Travel Expenses/Washington, DC		-1,060.63
6/25/2010	MELVIN RODRIGUE	2010 LA Alive Travel Expenses		-786.42
2630 BOARD MEMBERS				
8/31/2009	BANK OF AMERICA	Airline Tickets (Al Sunseri & Wilbert) ISSC		-20,297.06
				-611.01

State Oyster_2005:2

7/1/2009 through 6/30/2010 (Cash Basis)

7/14/2010

Date	Description	Memo	Clr	Amount
10/6/2009	BANK OF AMERICA	Board member travel		-520.90
10/6/2009	BANK OF AMERICA	Carlson Wag service fee		-24.00
10/15/2009	BANK OF AMERICA	Airline Ticket/AI Sunseri/LA Alive(2010)		-453.20
10/20/2009	BANK OF AMERICA	Board member travel		-386.20
10/20/2009	BANK OF AMERICA	Carlson Wag service fee		-24.00
11/2/2009	BANK OF AMERICA	Board travel to DC		-799.20
11/2/2009	BANK OF AMERICA	Board member travel		-799.20
11/2/2009	BANK OF AMERICA	Carlson Wag. Service Fee		-24.00
11/2/2009	BANK OF AMERICA	Board member travel		-24.00
12/10/2009	BANK OF AMERICA	Travel to DC		-1,005.20
12/10/2009	BANK OF AMERICA	Carlson Wag service fee		-24.00
12/29/2009	AI SUNSERI	Travel Expenses		-1,815.34
12/29/2009	WILBERT COLLINS	Travel expense		-1,102.92
1/13/2010	BANK OF AMERICA	Staff Travel to Washington DC		-344.20
1/13/2010	BANK OF AMERICA	Travel Serv Fee		-24.00
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Mike Voisin		-329.20
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Wilbert Collins		-329.20
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Travel Service Fee		-24.00
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - John Flanagan		-299.20
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Brian Landry		-299.20
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Edward Monte...		-299.20
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Lucien Gunter		-299.20
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Melvin Rodrigue		-299.20
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Michael Broad...		-299.20
1/13/2010	BANK OF AMERICA	Board Travel to Washington DC - Norman Conerly		-299.20
2/8/2010	WILBERT COLLINS	Washington DC January 2010		-1,913.49
2/8/2010	AI SUNSERI	ISSC conference October		-1,857.74
2/8/2010	MIKE VOISIN	Washington DC January 2010		-1,952.17

State Oyster_2005:2

7/1/2009 through 6/30/2010 (Cash Basis)

7/14/2010

Date	Description	Memo	Cir	Amount
2/19/2010	Bank OF AMERICA	US airways - DC - Paul Rother		-309.40
2/19/2010	Bank OF AMERICA	Service Fee		-24.00
2/19/2010	Bank OF AMERICA	Service Fee.		-24.00
2/19/2010	Bank OF AMERICA	US airways Melvin Rodrigue		-160.20
2/19/2010	Bank OF AMERICA	US airways Al Sunseri - DC		-289.40
2/19/2010	Bank OF AMERICA	US airways - Mike Voisin - DC		-289.40
2/19/2010	Bank OF AMERICA	Service Fee		-24.00
2/19/2010	Bank OF AMERICA	Service Fee		-24.00
2/19/2010	Bank OF AMERICA	Travel to food protection conference		-24.00
4/12/2010	Bank OF AMERICA	Travel to food protection conference		-391.80
4/12/2010	Bank OF AMERICA	Carlson Wag service fee		-24.00
5/11/2010	Bank OF AMERICA	US Airways, board member travel to NFI confer...		-785.61
5/11/2010	Bank OF AMERICA	2010 LA Alive Travel Expenses		-1,205.68
6/15/2010	HARLON PEARCE			-12,679.84
E (OPERATING SERVICES) OBJ 2700 - 3091				
2700 ADVERTISING				
3/22/2010		SIMONE RATHLE/SIMONE... Video from PR event in DC		-160.00
2710 PRINTING				
8/31/2009	AL SUNSERI	Oyster Lease Moratorium Printing		-114.84
2870 OTHER RENTALS				
8/31/2009	LA ALIVE	2010 BOOTH SPACE RENTAL		-114.84
2890 DUES AND SUBSCRIPTIONS				
4/12/2010	Bank OF AMERICA	Conf Registration - Food Protection		-7,500.00
4/12/2010	Bank OF AMERICA	Conf Registration - Food Protection		-7,500.00
4/12/2010	Bank OF AMERICA	NFI spring conference		-1,440.00
2900 POSTAGE, MAIL, DELIVERY				
2/24/2010	DHH - Commercial Seafood	Postage for Oyster harvesters and dealers mail...		-395.00
3000 OTHER OPERATING SERVICES				
4/7/2010	Louisiana State Museum	Leg Day - \$1500 dollar contribution by Oyster ta...		-3,115.00
6/15/2010	RAWBAR INC DBA ACME ...	Michael Broadway wages - oyster shucker for LA		-1,500.00
6/15/2010	RAWBAR INC DBA ACME ...	Norman Conerly wages - oyster shucker for LA		-807.50
F (SUPPLIES) RC 3100- 3320				
3180 EVENT SUPPLIES				
3/22/2010	Bank OF AMERICA	Beads for D.C. event		-807.50
G (PROFESSIONAL SVCS.) RC 3400 - 3460				
3460 OTHER				
7/31/2009	DR. THOMAS SONIAT	SUMMER 2009 DERMO STUDY		-263.90
1/28/2010	CHESAPEAKE GROUP LLC	Professional Services		-263.90
2/24/2010	NATIONAL FISHERIES INS...	2010 Washington DC events		-34,321.74
				-34,321.74
				-1,975.00
				-3,000.00
				-26,346.74

Oyster Development Fund	
Reporting Category 2005	
PROPOSED 2010 / 2011 Budget based on last year	
<i>Must be reviewed by OTF Marketing rep. before being finalized</i>	
State Appropriation	\$165,000
	2010-2011
Salaries	\$ 38,000.00
SALARIES	\$ 38,000.00
OTHER COMPENSATION	
Benefits	\$ 11,464.00
RELATED BENFITS	\$ 11,464.00
Gas for OTF	\$ 8,000.00
Travel	\$ 19,236.00
Travel - DC	\$ 18,000.00
TRAVEL	\$ 45,236.00
Oyster Convention(LOGDA)	\$ 5,000.00
Oyster Education Day	\$ 5,000.00
Booths - DC	\$ 7,500.00
Restaurants - DC	\$ 5,000.00
BR Legis. Event	\$ 1,300.00
OPERATING SERVICES	\$ 23,800.00
BR Legis Event	200
SUPPLIES	\$ 200.00
Minutes/transcriber	
Eric Sunstrom	\$ 5,800.00
John Supan	\$ 5,000.00
Thomas Soniat	\$ 2,000.00
NFI - DC	\$ 33,500.00
PROFESSIONAL SERVICES	\$ 46,300.00
OTHER CHARGES	
IAT EXPENSES	
ACQUISTIONS	
MAJOR REPAIRS	
TOTAL	\$ 165,000.00



August 9, 2010

Honorable Bobby Jindal, Governor
P.O.Box 94004
Baton Rouge, LA 70804-9004

Dear Governor Jindal,

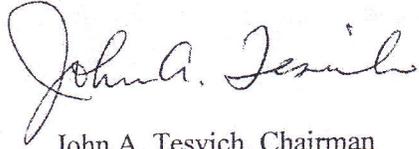
With the flow of oil from the BP Deep Horizon oil gusher finally sealed, the Louisiana Oyster Task Force stands ready to assist in planning the next phases of the State of Louisiana's response for the recovery of its oyster resources. I'm sure you are aware that Louisiana's oyster resource has sustained a serious blow from this disaster. In order to help minimize the socioeconomic impact on the oyster industry, I'm sure that you'd also agree that it's imperative to begin the rehabilitation process ASAP. The biologists on our research committee tell us that there are actions which could be implemented now, that would take advantage of the oysters' natural fall spawning season. In that regard, the LOTF presents here two proposals for immediate consideration, that could help reestablish oyster crops in the near future.

Firstly, it is important that all of the river water diversions, which were opened to maximum capacity in order to help keep the oil out of the wetlands, be placed back to normal operating conditions. Bringing the salinity levels in the oyster growing areas to normal levels soon will give the best opportunity for successful propagation of a new oyster set that normally happens in the late summer and early fall.

Secondly, an idea that is supported both by oystermen and marine biologists is to assist in the rehabilitation of public seed grounds by having oystermen drag bagless oyster dredges over those reefs. Tilling the reef surface is a proven method to enhance the probability of new oyster recruitment. The employment of oystermen in the process would provide needed economic assistance to that segment of the industry. Another thought is that upon BP's approval of the program, oyster vessels currently or formerly engaged in the Vessel of Opportunity program may be transitioned into this program.

We view this as first immediate steps for beginning the recovery of resources lost. We hope to have your support on these suggested proposals, and we also ask that the state request BP's financial support for rehabilitation of lost oyster resources, as a result of this spill. Please let us know what we can do to help accomplish these goals.

Sincerely Yours,



John A. Tesvich, Chairman

cc: U.S. Senator Mary Landrieu
U.S. Senator David Vitter
U.S. Representative Charlie Melancon
U.S. Representative Anh "Joseph" Cao
U.S. Representative Steve Scalise
Robert Barham, Secretary DWF
Garrett Graves, Deputy Secretary, OCPR

Draft

Notice of Intent

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby amend the rules on oyster leases.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

501. Oyster Leases

A. Office Policies and Procedures

1. Office hours will be from 8 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.

2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. ~~The taking of~~ Oyster Lease Applications

~~F41. All applicants must appear in this person at the Oyster Lease Section office to place applications apply for survey and an oyster lease, or provide power of attorney to agents to act in their behalf.~~

~~F6a. No application for a new area will be accepted from any person not of the full age of majority (18 years).~~

~~1. There shall be a 50-foot buffer zone established between new leases. However, by mutual written consent of~~

~~applicants of adjacent water bottoms the lease boundaries may be common.~~

~~¶42. An applicant will be required to outline on a department map the area for which he wishes to apply. Pursuant to R.S. 56:427(A), each element of the verbal description written on the application must be met by the survey plat. Additionally, the survey plat must conform completely to the map outline attached to and made a part of the application; provided, however, that deviations from the map outline (but not the verbal written description) are permitted when such a deviation would not encroach on a neighboring lease or application, or when the signed, written consent of the leaseholder or applicant whose lease or application would be affected, has been granted. In no case will an applicant survey outside of his verbal written description, except as provided in Paragraph 52.a.ii. below.~~

~~a. In the event of department error which results in an application being taken in an area where there is a prior undisclosed application or lease which prevents the applicant from taking the full amount of acreage applied for in the area described, the following procedure shall apply. The applicant shall have the option of:~~

~~i. taking all available remaining acres within the originally described area in a lease and the applicant, upon written request and documentation, shall be reimbursed a pro-rata amount of the survey cost in an amount determined by the Department. and receiving a pro rata refund of unused survey application fees for any loss of acreage; or~~

~~ii. taking all applied-for acres in one lease outside of the originally described area but in the nearest unencumbered water bottom; or~~

~~iii. if neither of the above options is acceptable to the applicant, the applicant may have his original application cancelled and receive a full refund of the survey application fee and, upon written request and documentation, shall receive a reimbursement for the survey performed.~~

~~b. The applicant shall have 30 days from the date of notification of the conflict to exercise the above options.~~

~~c. If the applicant exercises the option as set out in Paragraph 52.a.ii. above he shall be held to the amount of acres in his original application plus 10 percent.~~

d. In all such cases, the department shall have final approval of all relocations.

e. Before having the relocation area surveyed, it shall be necessary for the applicant to submit a new application for the area of relocation. This application shall be identified as a "relocation" application and shall indicate the old application by number for which it is being substituted and shall also be approved in writing by the ~~Undersecretary and the chief surveyor~~ Administrator of the Fisheries Division of the department. There will be no charge for the relocation application.

f. All relocations shall follow this procedure. No survey shall proceed until the properly completed relocation application has been submitted, accepted and approved. No survey is authorized without the above procedure being followed nor shall the department be responsible for the cost of any survey performed prior to final approval of the relocated application.

a3. Where distances between oyster leases or between oyster leases and the shoreline are 200 feet or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing leases or applicants if properly applied for and leased in accordance with existing policies and practices.

b4. No new application will be taken or lease issued whose length exceeds its narrowest width by more than a factor of three except as follows:

i a. between existing leases where all available water bottoms are taken;

ii b. in bayous (or similar configurations, connections or cuts between bays, lakes and ponds, etc.) where all available water bottoms are taken with a subservient clause prohibiting an impedance of reasonable navigation;

e5. Any application for an oyster lease may be contoured to follow the shoreline.

~~d. No application will be taken to incorporate an existing lease or lease plus additional acreage when less than three years remain in the term(s) of said lease or leases.~~

~~2. If an applicant does not keep his appointment with a surveyor his application will be cancelled. The applicant will be notified of action taken and be given an~~

~~opportunity to reinstate the application with an additional payment of the survey fee within 14 days of the cancellation notice. When the department surveyor cannot keep his appointment all efforts will be made to notify the applicant.~~

F26. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey application fees will be retained.

F37. No application for lease shall be transferrable.

~~F. 18. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled. An application will automatically be cancelled unless an applicant submits a complete survey, meeting department specifications, no later than three years after the date of submission of the lease application.~~

8C. Survey Application Fees

8a1. Survey Application fees for new leases will be as follows: \$40.00

Acres	Dollars
10 or less	\$200
11 - 20	\$250
21 - 200	\$ 3.50 additional for each acre after 20
201 - 1000	\$ 2.00 additional for each acre after 200

~~An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shots, will be paid prior to approval of any lease.~~

8b2. Survey Application fees on leases expiring by 15-year limitation are established as follows: will be \$30.00

Acres	Dollars
10 or less	\$150
11 - 20	\$250
21 - 200	\$ 2.50 additional for each acre after 20
201 - 1000	\$ 1.50 additional for each acre after 20

8C100. Private Surveyors Surveying Oyster leases for Oyster Farmer

~~1. All surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.~~

8C21. Surveyor to be charged the basic rate for copies of documents needed.

8C32. All controls and corners of oyster lease surveys to be tied in referenced to the Louisiana State Plane Coordinates System, South Zone, NAD83, Survey Feet.

~~5. Surveyors are to execute properly survey's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.~~

~~6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section with the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.~~

8C73. Surveyors to note in the original field notes plot on the survey plat any activity in or adjacent to or on surveyed area, or any land, any existing structures or improvements within or adjacent to the application boundary 7 etc.

8C84. Survey plats to be drawn in black ink on forms standard oyster lease plats furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same. Surveyors to provide a formatted ascii file of the coordinates for each corner of the survey that complies with the Oyster Lease Section's Geographic Information System.

8C95. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.

8C106. Application number and ownership to be shown on all survey plats to be shown as indicated on the original application.

8C117. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information.

8C128. Use standard signs and symbols.

8C139. If an applicant knowingly has a private surveyor repeatedly surveys over an existing lease, application or land area, that application or lease is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one-year period will be reported to the Louisiana State Board of Professional Engineers and Land Surveyors.

8C1410. Noncompliance with any requirement established by law or by these rules, after 30-day notification from the department by certified mail, shall result in cancellation of the application or lease and forfeiture of all fees to the department.

E. Office procedures and fees

B3.—a. 1. If any survey of existing leases by the surveyor of the department shows an overlap, the department will abstract the leases involved and eliminate the overlap, giving the area to the longest continuously uninterrupted lease and shall notify the lessees of the action.

b.— All surveys for new area will be computed at a 50-foot offset from all existing leases. If applicant wishes to share common boundaries with the adjacent lease or leases, the applicant must submit to the survey section written consent from the adjacent lease owner or owners (even if lease or leases are in same name as the applicant) no later than Thursday prior to the week the work is scheduled.

4.— All applicants must appear in this office to place applications for survey and lease, or provide power of attorney to agents to act in their behalf. (moved)

B52. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.

B63. A fee of \$10 per lease will be charged for transfer of oyster lease.

B74. A fee for all extra maps, leases, plats or documents, will be charged as follows:

<u>All maps</u>	<u>-\$ 10 per copy</u>
<u>Plats</u>	<u>-\$ 5 per copy</u>
<u>Lease Documents</u>	<u>-\$ 5 per copy</u>
<u>Other materials</u>	<u>-\$ 1 per copy</u>

Computations -\$ 2 per point
(~~Lambert State Plane~~ to Latitude/Longitude)

~~8. Survey Application Fees (moved)~~

~~a. Survey application fees for new leases will be as follows: (moved)~~

Acres	Dollars
10 or less	\$200
11 - 20	\$250
21 - 200	\$ 3.50 additional for each acre after 20
201 - 1000	\$ 2.00 additional for each acre after 200

~~An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shots, will be paid prior to approval of any lease.~~

~~b. Survey application fees on leases expiring by 15-year limitation are established as follows: (moved)~~

Acres	Dollars
10 or less	\$150
11 - 20	\$250
21 - 200	\$ 2.50 additional for each acre after 20
201 - 1000	\$ 1.50 additional for each acre after 20

~~An additional survey fee of \$10 for each shotpoint in excess of six, excluding shore shots.~~

~~c. Survey application fees for RESTAKES of one's own lease are established as follows:~~

~~\$25 per shotpoint~~

~~d. Survey application fees for RESTAKES of someone else's lease are established as follows:~~

~~\$90 for the first two shotpoints~~

~~\$50 for each additional shotpoint thereafter~~

~~e. The Survey Section shall notify owner(s) of lease to be restaked.~~

~~C. Private Surveyors Surveying Oyster leases for Oyster Farmer (moved)~~

~~1. All surveyors must appear in person in the office of the Survey Section of the Department of Wildlife and Fisheries to research information pertinent to their surveys.~~

~~2. Surveyor to be charged the basic rate for copies of documents needed. (moved)~~

~~3. All controls and corners of oyster surveys to be tied into the Louisiana State Plane Coordinates System. (moved)~~

~~4. All surveys must comply with R.S. 56:427B which requires the lease not to exceed the initial application by more than 10 percent compliance by negotiation with the applicant. If unacceptable application will be cancelled and all fees forfeited.~~

~~5. Surveyors are to execute properly surveyor's certificate appearing on reverse side of original application on file in the Oyster Lease Survey Section, or a photocopy of the original.~~

~~6. Surveyors must furnish the Department of Wildlife and Fisheries Survey Section with the original field notes on standard 4-1/2 x 7-1/2 looseleaf sheets.~~

~~7. Surveyors to note in the original field notes any activity in or adjacent to or on surveyed area, or any existing structures, etc. (moved)~~

~~8. Survey plats to be drawn in black ink on forms furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original tracing to become the property of same. (moved)~~

~~9. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre. (moved)~~

~~10. Application number and ownership on all survey plats to be shown on original application. (moved)~~

~~11. No land area to be included in survey. Probing to be done at random throughout the surveyed area to determine type of bottom and results noted on original field notes, along with tidal information. (moved)~~

~~12. Use standard signs and symbols. (moved)~~

~~13. If an applicant knowingly has a private surveyor survey over an existing lease, application or land area, that~~

~~application or lease is cancelled and will constitute cause for the private surveyor to be barred from surveying oyster leases for a one-year period. (moved)~~

~~14. Noncompliance with any requirement established by law or by these rules, after 30-day notification from the department by certified mail, shall result in cancellation of the application or lease and forfeiture of all fees to the department. (moved)~~

~~D. Complaints in the field are to be handled in the following manner.~~

~~1. The applicant should allow the survey to be completed in all situations. The surveyor has his instructions.~~

~~2. If the applicant is dissatisfied with the survey after completed, he may register his complaint with the survey office within 14 days of date of survey.~~

~~3. Survey crew is to note that the applicant will complete the survey under protest at time survey is being performed.~~

~~4. If the applicant prevents survey from being completed in the field, his application will be cancelled. The applicant has 14 days from postdate on letter notifying him of said cancellation to come into the office and pay survey fee and have application reinstated.~~

EF. Oyster Lease Posting Requirements. In an effort to comply with R.S. 56:430(B), and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements.

1. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.

2. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to 12 feet above the water level.

3. At the main entrance to the property and at no less than all corners along the boundary of said property, the

party seeking to post same shall include his name or initials in addition to the lease number.

4. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

5. In open waters all signs are to be placed facing outward.

~~F. 1. Applications will remain in effect for a period of three years. At the end of three years any applications not surveyed by this department or a private surveyor will be cancelled. (moved)~~

~~2. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the survey of applications. If the department has not been notified within 180 days the application will be cancelled and survey fees will be retained. (moved)~~

~~3. No application for lease shall be transferrable. (moved)~~

~~4. An applicant will be required to outline on a department map the area for which he wishes to apply. Pursuant to R.S. 56:427(A), each element of the verbal description written on the application must be met by the survey plat. Additionally, the survey plat must conform completely to the map outline attached to and made a part of the application; provided, however, that deviations from the map outline (but not the verbal written description) are permitted when such a deviation would not encroach on a neighboring lease or application, or when the signed, written consent of the leaseholder or applicant whose lease or application would be affected, has been granted. In no case will an applicant survey outside of his verbal written description, except as provided in Paragraph 5.a.ii. below. (moved)~~

~~5. a. In the event of department error which results in an application being taken in an area where there is a prior undisclosed application or lease which prevents the applicant from taking the full amount of acreage applied for in the area described, the following procedure shall apply. The applicant shall have the option of: (moved)~~

~~i. taking all available remaining acres within the originally described area in a lease and receiving a pro rata refund of unused survey application fees for any loss of acreage; or (moved)~~

~~ii. taking all applied for acres in one lease outside of the originally described area but in the nearest unencumbered water bottom; or (moved)~~

~~iii. if neither of the above options is acceptable to the applicant, the applicant may have his original application cancelled and receive a full refund of the survey application fee. (moved)~~

~~b. The applicant shall have 30 days from the date of notification of the conflict to exercise the above options. (moved)~~

~~e. If the applicant exercises the option as set out in Paragraph 5.a.ii. above he shall be held to the amount of acres in his original application plus 10 percent. (moved)~~

~~d. In all such cases, the department shall have final approval of all relocations. (moved)~~

~~e. Before having the relocation area surveyed, it shall be necessary for the applicant to submit a new application for the area of relocation. This application shall be identified as a "relocation" application and shall indicate the old application by number for which it is being substituted and shall also be approved in writing by the Undersecretary and the chief surveyor of the department. (moved)~~

~~f. All relocations shall follow this procedure. No survey shall proceed until the properly completed relocation application has been submitted, accepted and approved. No survey is authorized without the above procedure being followed nor shall the department be responsible for the cost of any survey performed prior to final approval of the relocated application. (moved)~~

~~6. No application for a new area will be accepted from any person not of the full age of majority (18 years). (moved)~~

G. Policy to Comply With Laws Concerning Default in Payment of Rent on Oyster Leases (Noncompliance R.S. 56:429)

1. On the first working day in February of each year, the Survey Section will compile a list of leases that are in default (R.S. 56:429). After compiling the list each owner will be notified by certified mail that his lease is in default and will be offered at public auction on the last Tuesday in March. He will also be notified that all works, improvements, betterments, and oysters on the leased area are the property of

the state and that the Enforcement Division of the Louisiana Department of Wildlife and Fisheries has been so notified.

2. On the first working day following the last day of February all leases still in default will be advertised in a newspaper in the parish in which the lease is located. After the placement of the advertisement, advertisement cost will be added to the lease rent plus 10 percent. Up to and including the second Monday in March, the leases may be reinstated by payment of the rent due plus 10 percent and the advertising cost if applicable.

3. On the last Tuesday in March the auction will be held at a place to be designated by the Louisiana Department of Wildlife and Fisheries. The auctioneer will be the chief surveyor or his designee. The opening bid for each lease will be the rent due plus 10 percent and advertising cost. All sales must be paid for in cash or by ~~certified~~ check. The auction will start with the lowest numbered lease and continue numerically until complete.

4. Any leases not sold at auction will be removed from the Survey Oyster Lease Section maps. The area will be open and may be taken by application.

H. Procedures to Comply with R.S. 56:432

1. The Survey Oyster Lease Section will keep an indexing system to determine the acreage held by all oyster lease holders.

2. No application will be accepted that will cause an applicant to exceed a total of ~~1,000~~ 2,500 acres under lease and application. Reference R.S. 56:432.

~~3. No lease will be issued to an oyster lease holder that will cause his account to exceed 1,000 acres under lease unless he qualified for additional acres by the ownership of oyster canning plants.~~

~~43.~~ An oyster lease applicant will be given 30 days to reduce lease acreage prior to cancellation of any application that would cause his lease acreage to exceed ~~1,000~~ 2,500 acres. If the reduction is not made within 30 days the application will be cancelled and all fees retained by the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10) and R.S. 56:422.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 10:470 (June 1984), amended LR 12:844 (December 1986), LR 15:197 (March 1989), LR 17:808 (August 1991).

Draft

Notice of Intent

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby
amend the rules on oyster leases.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oysters

501. Oyster Leases

A. Office Policies and Procedures

1. Office hours will be from 8 a.m. to 4:30 p.m., Monday through Friday excluding state holidays.

2. No one is to go into the lease document or quadrangle files, or application registration without permission of and accompaniment by designated office personnel.

B. Oyster Lease Applications

1. All applicants must appear in person at the Oyster Lease Section office to apply for an oyster lease, or provide power of attorney to agents to act in their behalf.

a. No application for new area will be accepted from any person not of the full age of majority (18 years).

2. An applicant will be required to outline on a department map the area for which he wishes to apply. Pursuant to R.S. 56:427(A), each element of the verbal description written on the application must be met by the

survey plat. Additionally, the survey plat must conform completely to the map outline attached to and made a part of the application; provided, however, that deviations from the map outline (but not the verbal written description) are permitted when such a deviation would not encroach on a neighboring lease or application, or when the signed, written consent of the leaseholder or applicant whose lease or application would be affected, has been granted. In no case will an applicant survey outside of his verbal written description, except as provided in Paragraph 2.a.ii. below.

a. In the event of department error which results in an application being taken in an area where there is a prior undisclosed application or lease which prevents the applicant from taking the full amount of acreage applied for in the area described, the following procedure shall apply. The applicant shall have the option of:

i. taking all available remaining acres within the originally described area in a lease and the applicant, upon written request and documentation, shall be reimbursed a pro-rata amount of the survey cost in an amount determined by the Department; or

ii. taking all applied-for acres in one lease outside of the originally described area but in the nearest unencumbered water bottom; or

iii. if neither of the above options is acceptable to the applicant, the applicant may have his original application cancelled and receive a full refund of the application fee and, upon written request and documentation, shall receive a reimbursement for the survey performed.

b. The applicant shall have 30 days from the date of notification of the conflict to exercise the above options.

c. If the applicant exercises the option as set out in Paragraph 2.a.ii. above he shall be held to the amount of acres in his original application plus 10 percent.

d. In all such cases, the department shall have final approval of all relocations.

e. Before having the relocation area surveyed, it shall be necessary for the applicant to submit a new application for the area of relocation. This application shall be identified as a "relocation" application and shall indicate the old application by number for which it is being substituted and shall also be approved in writing by the Administrator of the Fisheries Division of the department. There will be no charge for the relocation application.

f. All relocations shall follow this procedure. No survey shall proceed until the properly completed relocation application has been submitted, accepted and approved. No survey is authorized without the above procedure being followed nor shall the department be responsible for the cost of any survey performed prior to final approval of the relocated application.

3. Where distances between oyster leases or between oyster leases and the shoreline are 200 feet or less, no applications or leases shall be taken or issued except that the intervening space may be shared equally by the existing leases or applicants if properly applied for and leased in accordance with existing policies and practices.

4. No new application will be taken or lease issued whose length exceeds its narrowest width by more than a factor of three except as follows:

a. between existing leases where all available water bottoms are taken;

b. in bayous (or similar configurations, connections or cuts between bays, lakes and ponds, etc.) where all available water bottoms are taken with a subservient clause prohibiting an impedance of reasonable navigation;

5. Any application for an oyster lease may be contoured to follow the shoreline.

6. Upon death of an applicant the estate will have 180 days to appoint a representative to deal with the applications. If the department has not been notified

within 180 days the application will be cancelled and fees will be retained.

7. No application for lease shall be transferrable.

8. An application will automatically be cancelled unless an applicant submits a complete survey, meeting department specifications, no later than three years after the date of submission of the lease application.

C. Application Fees

1. Application fees for new leases will be \$40.00.

2. Application fees on leases expiring by 15-year limitation will be \$30.00.

D. Private Surveyors Surveying Oyster leases for Oyster Farmer

1. Surveyor to be charged the basic rate for copies of documents needed.

2. All corners of oyster lease surveys to be referenced to the Louisiana State Plane Coordinates System, South Zone, NAD83, Survey Feet.

3. Surveyors to plot on the survey plat any land, any existing structures or improvements within or adjacent to the application boundary.

4. Survey plats to be drawn in black ink on standard oyster lease plats furnished by the Louisiana Department of Wildlife and Fisheries Oyster Lease Section and original to become the property of same. Surveyors to provide a formatted ascii file of the coordinates for each corner of the survey that complies with the Oyster Lease Section's Geographic Information System.

5. The acreage of all surveys, even though calculated to tenth or hundredth of acre, to be rounded off to the next highest acre.

6. Application number and ownership to be shown on all survey plats as indicated on the original application.

7. No land area to be included in survey.

8. Use standard signs and symbols.

9. If a private surveyor repeatedly surveys over an existing lease, application or land area, that private surveyor will be reported to the Louisiana State Board of Professional Engineers and Land Surveyors.

10. Noncompliance with any requirement established by law or by these rules, after 30-day notification from the department by certified mail, shall result in cancellation of the application or lease and forfeiture of all fees to the department.

E. Office procedures and fees

1. If any survey of existing leases shows an overlap, the department will abstract the leases involved and eliminate the overlap, giving the area to the longest continuously uninterrupted lease and shall notify the lessees of the action.

2. Annual rental notices will be mailed to lessees at least 30 days in advance of due date which is January 1 of each year.

3. A fee of \$10 per lease will be charged for transfer of oyster lease.

4. A fee for all extra maps, leases, plats or documents, will be charged as follows:

All maps	-\$ 10 per copy
Plats	-\$ 5 per copy
Lease Documents	-\$ 5 per copy
Other materials	-\$ 1 per copy
Computations	-\$ 2 per point
(State Plane to Latitude/Longitude)	

F. Oyster Lease Posting Requirements. In an effort to comply with R.S. 56:430(B), and to keep within the constraints of Title 14, Section 63, dealing with criminal trespassing, the following are the posting oyster lease requirements.

1. The oyster lessee or person seeking to post the oyster lease shall place and maintain signs along the boundaries of the property or area to be posted. These signs shall be written in the English language.

2. The signs shall have letters at least three inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the oyster lease. The signs shall be placed and maintained at intervals of not more than one-fifth of a mile and shall be at least three to 12 feet above the water level.

3. At the main entrance to the property and at no less than all corners along the boundary of said property, the party seeking to post same shall include his name or initials in addition to the lease number.

4. In marsh areas and canals, posted signs shall also be placed at all major points of ingress and egress.

5. In open waters all signs are to be placed facing outward.

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