AN ACT

To repeal Louisiana Administrative Code 76.V.501(B)(1)(introductory paragraph) and (3)(b), relative to oyster leases and to provide for a process for lifting of the moratorium on new oyster leases.

Be it enacted by the Legislature of Louisiana:

Section 1. Louisiana Administrative Code 76.V.501(B)(1)(introductory paragraph) and (3)(b) are hereby repealed in their entirety.

Section 2.A. Legislative Intent: On March 7, 2002, a moratorium on the taking of oyster lease applications and the issuance of new oyster leases was imposed. Such moratorium shall be lifted as outlined in the provisions of this Act. Rules necessary to implement the provisions of this Act shall be promulgated by the Louisiana Wildlife and Fisheries Commission under the Administrative Procedure Act. Actions taken under the authority of this Act shall be taken notwithstanding statutory and administrative code provisions to the contrary.

B. Prior to lifting the moratorium, there shall be an examination of those leases that were not renewed by the Department of Wildlife and Fisheries since 1996 due to recommendations from the Department of Natural Resources that such leases would be in the operational or impact area of a planned coastal restoration project. The Department of Wildlife and Fisheries and the Department of Natural Resources shall cooperate in the determination of those leases that are eligible for a new lease for previously leased acreage under this phase of the moratorium lifting. The lease holder of record at the time the lease was not renewed shall have the first right of refusal for a new lease for previously leased acreage under this phase of the moratorium lifting. Under the provisions of R.S. 56:425, the secretary of the Department of Wildlife and Fisheries and the secretary of the Department of Natural Resources shall agree that issuing a new lease for previously leased acreage for
such water bottom is otherwise appropriate and the water bottom is not necessary for coastal
protection, conservation, or restoration. At a minimum, the department shall advertise the
availability of a new lease for previously leased acreage on two separate days in the official
journal of the parish where the acreage is located. If the lease holder of record at the time
the lease was not renewed does not desire to be issued a new lease for previously leased
acreage or fails to respond to the notice of the availability of a new lease for previously
leased acreage within sixty days of the date of the last advertisement or notification, he shall
forfeit all rights to that lease.

C. Upon implementation of the provisions of this Act, the Louisiana Wildlife and
Fisheries Commission shall promulgate and implement rules necessary for the final lifting
of the moratorium. Such rules shall be developed in conjunction with a special committee
composed of representatives from the Department of Wildlife and Fisheries, the Department
of Natural Resources, the Louisiana Oyster Task Force, the Louisiana Landowner's
Association, the Louisiana Oil and Gas Association, and Louisiana Mid-Continent Oil and
Gas Association and may include offering lease holders the opportunity to expand their
existing leases by incorporation of immediately adjacent water bottom. Such expansion
shall be limited to five hundred feet beyond the existing lease boundary except in cases
where there is a lease held by another lease holder whose boundary line is less than five
hundred feet away. In those cases, the two lease holders may agree to divide the distance
equally or, if one lease holder declines to expand his lease, the other lease holder may
expand up to the boundary line of the other lease. The opportunity to expand leases shall be
provided for a limited period of time. The committee shall report their recommendations to
the Wildlife and Fisheries Commission prior to June 1, 2009.

Section 3. Once the moratorium has been finally lifted by the Louisiana Wildlife and
Fisheries Commission, the provisions of Section 2 of this Act shall cease to have effect, and
further leasing of state water bottoms for oyster productions shall be in accordance with the
provisions of Subpart D of Part VII of Chapter 1 of Title 56 of the Louisiana Revised
Statutes of 1950.

Section 4. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ________________