

APP NO: \_\_\_\_\_  
PERMIT NO: \_\_\_\_\_

LEASE: \_\_\_\_\_  
FILED: \_\_\_\_\_

# APPLICATION FOR ALTERNATIVE OYSTER CULTURE PERMIT

LOUISIANA DEPARTMENT OF WILDLIFE AND FISHERIES

New Orleans, Louisiana

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Commercial License: \_\_\_\_\_ Harvester License: \_\_\_\_\_

Surety Bond No.: \_\_\_\_\_ Contractors License: \_\_\_\_\_

Transferred Date: \_\_\_/\_\_\_/\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Transferred Date: \_\_\_/\_\_\_/\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Transferred Date: \_\_\_/\_\_\_/\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

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Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned herewith applies for a permit to conduct alternative oyster culture activity for a period of ten (10) years from the acceptance of this application and issuance of the permit or until the termination of State of Louisiana oyster lease number \_\_\_\_\_ (including any renewal thereof), whichever occurs first, with an annual rental fee of Two and No/100 Dollars (\$2.00) per acre payable upon receipt of the permit and thereafter annually on or before the first day of January until the termination of the permit, on State water bottoms measuring \_\_\_\_\_ acres, more or less, located in the Parish of \_\_\_\_\_ and more particularly described as follows:

\_\_\_\_\_

\_\_\_\_\_

An application fee           **\$100.00**           dollars is paid herewith.

The undersigned prays that this application be registered, that a permit be issued to Applicant, which permit, issued by the Louisiana Department of Wildlife and Fisheries, will be considered as an acceptance of this application and a completion and execution of the contract.

This application is made and the permit is to be issued subject to the provisions of Louisiana Revised Statutes 56:421-449 and the rules and regulations of the said Department, specifically including but not limited to Louisiana Revised Statutes 56:431.2 and Louisiana Administrative Code 76:VII.535, and Applicant hereby agrees to pay said Department for services in connection herewith in accordance with the scale of charges printed and herein mentioned.

The undersigned certifies that Applicant is qualified under law to receive the requested permit to conduct alternative oyster culture; and that Applicant has taken cognizance of the statutes, rules, and regulations identified herein and makes them a part of this application, as they may be amended from time to time.

The undersigned further certifies that:

**a.** If Applicant is not a natural person, the person signing this application is duly authorized to do so on behalf of Applicant.

**b.** Applicant is the holder of State of Louisiana oyster lease number \_\_\_\_\_ covering state water bottoms; and that this is the lease upon which Applicant seeks a permit to conduct alternative oyster culture activities.

**c.** The alternative oyster culture activities that Applicant seeks to conduct are:

- \_\_\_\_\_ On-bottom cages, racks, or bags
- \_\_\_\_\_ Off-bottom cages, racks, or bags, suspended by poles or floats
- \_\_\_\_\_ String or longline culture
- \_\_\_\_\_ Other (describe):

\_\_\_\_\_

\_\_\_\_\_

**d.** The equipment or gear that Applicants seeks to use, and the quantities thereof are:

\_\_\_\_\_

\_\_\_\_\_

**e.** The facilities (items other than equipment or gear) that Applicant seeks to use are:

\_\_\_\_\_

\_\_\_\_\_

**f.** Applicant has not been convicted of or pled guilty to a class 4 or greater oyster-related violation, as defined in the laws pertaining to wildlife and fisheries, within three years prior to the submission of the application.

**g.** A cost estimate to remove and properly dispose of all equipment, facilities and other items sought to be permitted, prepared by a contractor that has a valid Louisiana Commercial Contractor License for the classification of Heavy Construction or Coastal Restoration and Habitat Enhancement, and has no familial or business relationship with the Applicant has been obtained and supplied to the Louisiana Department of Wildlife and Fisheries.

**h.** All other local, state, and federal permits necessary for the activity sought to be permitted, or documentation from the relevant agencies establishing that such permits are unnecessary, have been obtained and supplied to the Louisiana Department of Wildlife and Fisheries, specifically including:

1. State coastal use permit (R.S. 49:214.30).
2. Federal obstruction to navigation section 10 (33 U.S.C. §403) and/or section 9 (33 U.S.C §401) permit.
3. Clean Water Act section 404 fill permit (33 U.S.C. §1344).
4. State water quality certification (33 U.S.C. §1341).
5. Any other permit or authorization that may be required by a state or federal agency for the AOC activity sought to be permitted.

Name: Sign: \_\_\_\_\_  
Print: \_\_\_\_\_

Telephone No.           **Quadrangle:**  
                          **(504) 689-7943**          

Address:

## CONDITIONS

**1.** This permit is terminable by the Department of Wildlife and Fisheries (the “Department”) upon significant or repeated violation of the permit or any applicable statutes, rules, or regulations by the permittee or anyone authorized by the permittee to engage in alternative oyster culture (“AOC”) activities on the permitted area.

**2.** The permittee hereby indemnifies and holds harmless the State of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof against and from any claim arising as a result of operations by or for the permittee pursuant to this permit.

**3.** The permittee and anyone using this permit hereby holds the State of Louisiana, political subdivisions of the state, the United States, and any agency, agent, contractor, or employee thereof harmless from any claims arising under or as a result of the issuance of this permit in relation to diversions of fresh water or sediment, dredging or direct placement of dredged or other materials, any other actions taken for the purpose of integrated coastal protection, or adverse effects on water quality, including but not limited to increased sedimentation or eutrophication or fluctuations in salinity or pH.

**4.** The permittee shall remove and properly dispose of all equipment, facilities, and other items used for AOC activities within 120 days after termination, cancellation, or expiration of the permit, unless otherwise authorized by the Department.

**5.** All terms of the permit shall be subject to all applicable federal and state laws and regulations. The permittee shall comply with all terms of this permit, and with all terms of all other local, state, and federal permits necessary for the permitted activity.

**6.** Vessels engaged in permitted AOC activities shall have the permit on board the vessel, and the permittee or authorized user shall show the permit upon demand to any duly authorized agent of the Department.

**7.** The permit may be used only by the named permittee, or by a user authorized by the permittee who holds a valid oyster harvester license and a valid commercial fisherman’s license. Persons working under the direction of the permittee or authorized user do not themselves need a permit or authorization. Authorized users engaged in permitted AOC activities shall have written authorization on board the vessel, and shall show the authorization upon demand to any duly authorized agent of the Department.

**8.** Upon placing any equipment or materials on State water bottoms, and before engaging in permitted AOC activities, the permittee shall comply with the following minimum requirements:

**a.** Marking, lighting, and warning devices for AOC activities shall, at a minimum, comply with United States Coast Guard regulations and requirements, and with all state and federal laws and regulations, as amended from time to time.

**b.** All areas where such equipment or materials are present on state water bottoms or in the water column shall be clearly marked.

**c.** The permittee shall place and maintain markers along the boundaries of the permit area, at intervals of 75 feet, between 3 and 12 feet above the water level.

**d.** The permittee shall place and maintain markers along the boundaries of the areas where AOC facilities or equipment are actually located, at intervals of 20 feet, between 3 and 12 feet above the water level.

**e.** The permittee shall place and maintain buoys conforming to United States Coast Guard markings at all corners of the permit area and the areas where AOC equipment or facilities are actually located, and midway between the corners if separated by more than 1000 feet.

**f.** Each buoy, each main cage, bag, or float, and each structure used for AOC activities shall contain an indelible and permanent tag that includes the AOC permit number.

**9.** The permittee shall post a surety bond in the amount of \$ \_\_\_\_\_ for the removal and disposal of the equipment and materials used for AOC activities, and provide the bond to the Department within 30 days after receipt of the permit and before placing any equipment or materials on State water bottoms.

**10.** The permittee shall comply with the following additional marking, lighting, and/or warning device requirements:

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**11.** The permittee shall comply with the following reporting requirements:

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