

# *Lagniappe*



**Sea Grant**  
LOUISIANA

**Research and Extension Programs**

Agriculture  
Economic/Community Development  
Environment/Natural Resources  
Families/Nutrition/Health  
4-H Youth Programs

**March 26, 2004 Special Edition**

This special edition of the Lagniappe Newsletter is devoted to new fisheries and wetlands bills which have been introduced into the current legislative session as of March 26. It must be noted that each senator and representative is also allowed to introduce up to five late bills before April 20. If you need information on the status on any of these bills, you may call the capital at 1-255-342-2456 or 1-800-256-3793. People with computer access can do the same by using the following Web Site address: [www.legis.state.la.us](http://www.legis.state.la.us). In the bill summaries below, the Louisiana Department of Wildlife and Fisheries is referred to as LDWF, the Louisiana Wildlife and Fisheries Commission as LWFC, the Louisiana Department of Natural Resources as LDNR, and the Louisiana Department of Agriculture and Forestry as LDAF.

**Senate Bill 2 – McPherson**

Creates a constitutional amendment to preserve the freedom to hunt, fish and trap.

**Senate Bill 7 – Smith**

Makes specific provisions about how the commissioners of the Saline Lake Game and Fish Preserve Commission are appointed, Also ends the terms of current commissioners on May 31, 2004.

**Senate Bill 8 – B. Gautreaux**

Designates St. Mary Parish as the “Bass Fishing Capital of the World.”

**Senate Bill 15 – Dupre**

Provides an affirmative defense for possession of undersized crabs by seafood dealers, if the dealer has invoices or other written documentation that the total number of undersized crabs is not over 10% of the number of crabs bought for processing and shipping.

**Senate Bill 20 – Smith**

Limits the number of yo-yos and trigger devices that can be used in Saline Lake to 36 per person, requires that each be tagged with the name, address, and telephone number of the owner and be attended from 2 hours after sunrise to ½-hour after sunset.



Senate Bill 45 – Smith

Authorizes the Saline Lake Game and Fish Preserve Commission to stock triploid grass carp in the lake.

Senate Bill 47 – Ullio

Requires restaurants that serve shrimp or shrimp products to notify customers what country or state that the shrimp came from. Authorizes LDWF to enforce the requirement.

Senate Bill 105 – Dupre

Requires the LWFC hold elections for chair and vice-chair at its first meeting in January.

Senate Bill 117 – McPherson

Creates an additional penalty of \$2 for Class 2 to Class 8 fish and wildlife violations, with the money going to Louisiana Operation Game Thief, Inc.

Senate Bill 120 – McPherson

Adds all or part of Whisky Chitto Creek, Barnes Creek, Bearhead Creek, Beckwith Creek, Bundick Creek, and Hickory Creek, all in the Calcasieu Watershed, to the Natural and Scenic Rivers System.

Senate Bill 147 – Ellington

Increases the minimum age at which a person may operate a personal watercraft (jet ski) from 13 to 16 years of age.

Senate Bill 156 – Dupre

Authorizes LDNR to take by expropriation, private property needed for barrier island creation, protection, or enhancement.

Senate Bill 160 – Hainkel

Repeals the exemption from the Natural and Scenic Rivers Act for the banks of the Tchefuncte River from Highway 22 to Lake Pontchartrain.

Senate Bill 161 – B. Gautreaux and House Bill 1121 – Kenney

Creates the Louisiana Aquatic Chelonian Research and Promotion Board to promote and develop the Louisiana turtle farming industry. The board is to be funded by an assessment of one cent per pet turtle produced.

Senate Bill 170 – Dupre & others

Amends laws concerning wetland mitigation activities and the Coastal Mitigation Account.

Senate Bill 172 – Dupre & others

Amends laws concerning wetland litigation activities and the Coastal Mitigation Account and authorizes state or local government bodies to perform any mitigation required by a proposed public works activity through self-mitigation.

Senate Bill 186 – McPherson

Extends to persons who make or repair marine vessels, marine vessel trailers, and equipment or motors used on marine vessels the privilege of selling items for unpaid debts.

Senate Bill 187 – B. Gautreaux and House Bill 367 – Thompson

Provides that if Elmer's Island is acquired by the state and administered by LDWF, that it shall be managed for public access for the purposes of coastal fishing, camping, birding, and other compatible uses. Provides that user fees of up to \$10 per vehicle with a driver, and not more than \$2 per additional person may be charged for day-use. Provides that for overnight use, an additional \$10 per vehicle may be charged.

Senate Bill 206 – B. Gautreaux

Allows the commercial harvest of redfish from 18 to 27 inches long under an annual quota set by LDWF after LDWF conducts a stock assessment. Commercial redfish harvest may be done with any legal gear, but only by certified commercial fishermen.

Senate Bill 244 – B. Gautreaux and House Bill 367 – Thompson

Allows for general appointment of harvesters of wild crawfish, rather than appointment through Common Claws of Louisiana, to the Crawfish Promotion and Research Board. Provides that if any group does not submit names for selection to the board that the LDAF commissioner may appoint qualified persons.

Senate Bill 254 – B. Gautreaux and House Bill 1172 – Odinet

Changes the dates of the commercial mullet season from the third Monday in October through the third Monday in January to the first Monday in October through December 31. Allows night harvest of mullet in November and December on weekdays. Prohibits the possession of harvested mullet on the water from 10 p.m. to 5 a.m. in October and from 10 p.m. on Friday to 5 a.m. on Monday in November and December.

Senate Bill 299 – Cravins

Provides that when a person is convicted of a motorboat safety violation, the court may order the person to attend a motorboat safety education class. Provides that persons born after January 1, 1988 shall be required to have attended a motorboat safety education class before they can purchase a fishing license or motorboat registration or license. Provides that LWFC shall create rules for the safety classes. Provides that before anyone 16 years old or older may fish from a motorboat they must either have been issued a certificate of completion of the safety class or they must have a valid fishing license. Creates a 13-member Motorboat Safety Education Advisory Council within LDWF.

Senate Bill 308 – Dupre

Provides certain procedures and requirements concerning coastal wetland program guidelines, coastal use permitting and mitigation of wetland losses.

Senate Bill 310 – Dupre

Authorizes LDNR to take by expropriation, private property needed for coastal wetlands conservation, management, preservation, enhancement, creation, or restoration.

Senate Bill 333 – B. Gautreaux

Requires that the owner of a private waterway shall allow reasonable access to the waterway from a public waterway, without charge, for the purpose of recreational hook and line fishing. Reasonable access includes no-wake zones, speed limits and a time limit of one-half hour before sunrise to one-half hour after sunset. Defines "private waterway" as a private waterway tidally influenced by public waters and within or next to wetlands in the coastal zone and not within a recognized residential, commercial or industrial subdivision or development. These rules would not apply to areas set aside by LDWF rules, or to waters used by commercial fish hatcheries or commercial aquaculture. Provides for limitations of landowners' liability when their property is used for recreational purposes. Provides that these provisions would not affect ownership or civil possession. Authorizes LDWF to adopt rules for the proposed law.

Senate Bill 348 – Smith and House Bill 1039 – Montgomery

Defines aquaculture products and provides that the state shall not limit the ability of Louisiana agricultural (including aquaculture) companies to bid or do business in Louisiana. Requires the Riverboat Gaming Commission to give preference to Louisiana agricultural companies.

Senate Bill 433 – Theunisson & Pierre and House Bill 718 – Pierre & Theunisson

Creates a 9-member Louisiana Aquatic Invasive Species Council and a 26-member Louisiana Aquatic Invasive Species Advisory Task Force. The council, with the advice of the task force, is to create the Louisiana Invasive Aquatic Species Management Plan, and to take action to control, prevent or get rid of invasive or potentially invasive aquatic species.

Senate Bill 483 – Ullo

Provides that members of the governing board of the Jean Lafitte Marine Fisheries Museum shall have a knowledge of and interest in Louisiana's Fisheries industry.

Senate Bill 489 – Cravins

Requires every motorboat/vessel registered in the name of a person to have proof of liability insurance coverage.

Senate Bill 494 – Schedler

Allows the use of multi-pronged barbed gigs to harvest flounder.

Senate Bill 522 – Malone and House Bill 1089 – Daniel

Requires LDWF to coordinate the Artificial Reef Development Program with the industries most likely to donate material for artificial reef construction. Also requires the operational guidelines of the Louisiana Artificial Reef Development Plan to recognize the financial impact of natural disasters on potential donors and consider such impacts in developing future funding requirements.

Senate Bill 559 – Ellington & Smith and House Bills 934 & 1192 – Jack Smith & Pierre and Townsend

Creates the Louisiana Aquaculture Coordinating Council within LDAF. Senate Bill 559 and House Bill 1192 are duplicates. House Bill 934 provides for more LWFC authority than the other two bills.

Senate Bill 601 – Cravins

Requires motorboat owners to get liability insurance or post a liability bond, and requires LDWF to require proof of such before issuing or renewing a boat registration or certificate of numbering. Authorizes LDWF to accept a homeowners comprehensive coverage policy if it provides coverage similar to a separate liability policy.

Senate Bill 636 – McPherson

Prohibits LWFC members from getting oyster leases while serving on the commission.

Senate Bill 710 – Ellington

Increases the minimum age at which a person may operate a personal watercraft (jet-ski) from 13 to 16 years of age, except that a person born after January 1, 1991 may operate a personal watercraft if they have completed a boating safety class and are accompanied by a qualified person at least 18 years of age.

House Bill 105 – Salter

Removes the minimum size limit and the possession limit on channel catfish in Toledo Bend Reservoir for recreational fishermen.

House Bill 106 – Farrar

Creates "no wake" zones within 300 feet of public boat launches, public docking facilities next to boat launches and licensed commercial fisheries docking facilities. Within these zones, boats must be operated at bare steerage speed, the slowest that the boat can travel while allowing the operator to steer.

House Bill 115 – Pitre

Authorizes the Lafourche Parish Game and Fish Commission to govern, regulate and control Lake Long.

House Bill 117 – Jack Smith

Allows crab traps to be used without a float and float line north of the northern bank of the Intracoastal Waterway.

House Bill 143 – Lambert

Allows crab traps to be used without a float and float line in the Atchafalaya Basin and requires such traps to be connected to a tree, limb or the waterbottom.

House Bill 145 – Jack Smith

Requires that Vermilion Bay be included each year in the abandoned crab trap removal program.

House Bill 146 – Jack Smith

Authorizes the LWFC to establish restrictions on the commercial crab fishery, including trap limits, limits on the number of gear license holders, trap marking requirements, trip limits, harvest minimums, income requirements, quotas, and seasons.

House Bill 160 – Frith

Allows the use of a hand dredge or scraper of no larger than 36 inches in Calcasieu Lake to take oysters. Provides that LWFC set harvest limits at no more than 15 sacks per vessel per day in the lake.

House Bill 168 – Jack Smith & others

Allows the use of shad seines on weekends. Allows the use of shad seines at night from February 1 through June 30 in St. Landry Parish, the Atchafalaya River between Lower Old River and the Intracoastal Waterway, the Whiskey Bay Pilot Channel, and the Mississippi River between the Old river Control Structure and the Sunshine Bridge. Provides that use of a shad seine shall not interfere with commercial shipping.

House Bill 201 – Dartez

Allows the use of shad gill nets in Lake Verret.

House Bill 210 – Wright

Prohibits commercial fishing and the recreational use of any fish net or trap in Little River above Highway 500.

House Bill 357 – Martiny

Defines that "public navigable waterways means any waters within the territorial limits of this state and the marginal sea adjacent to the state and the high seas when navigated as a part of a journey or ride to or from the shore of this state but shall not include privately owned water bodies with no ingress or egress to public waters," for the purpose of implied consent to testing for operation of a boat under the influence of alcohol or drugs.

House Bill 378 – Baldone

Requires wetlands compensatory mitigation to be in the form of payments to the Coastal Mitigation Account.

House Bill 415 – Jack Smith

Provides that between January 1, 2005 and December 31, 2007, no person shall be issued a crab trap gear license unless that person had a crab trap gear license during any one of the years 2002, 2003 or that part of 2004 before the effective date of this bill.

House Bill 429 – Dove

Requires LDNR to establish a barrier islands stabilization and preservation program and requires that LDNR shall have at least two 30-inch dredge barges available for that use. Provides that parishes with barrier islands may submit requests to LDNR for barrier islands projects, which LDNR shall prioritize.

House Bill 450 – Odinet

Allows the court to order any person convicted of a violation of an oyster regulation to harvest oysters only from a boat with a vessel monitoring system on board for one year after conviction. Requires the person convicted to notify LDWF as to which vessel he will be using to harvest oysters.

House Bill 469 – Jack Smith

Creates a flat uniform mesh size of 1½-inches bar (3 inches stretched) for freshwater seines (current minimum is 2 inches bar), and shad gill nets and shad seines (both currently have a minimum of 1-inch bar and a maximum of 2-inch bar).

House Bill 494 – Odinet

Replaces rules of the National Shellfish Sanitation Program for oyster harvesting, processing, tagging, and distributing with rules to be created by the Louisiana Department of Health and Hospitals.

House Bill 595 – Jack Smith & Dupre

Removes 16 to 25-foot recreational trawls from the gear allowed to be used with the Louisiana Sportsman's Paradise License.

House Bill 596 – Jack Smith

Allows the temporary transfer of recreational or commercial gear licenses only to a person who holds a valid recreational or commercial (as appropriate) fishing license and who has the same residency status as the holder of the gear license.

House Bill 597 – Jack Smith & B. Gautreaux

Provides that on a vessel taking or transporting finfish for commercial purposes or where the quantity of finfish is more than the recreational limit, that all finfish on board shall be considered to have been taken for commercial purposes and subject to commercial laws. Also provides that the law that allows a person who holds both a commercial speckled trout permit and a recreational license to have a recreational limit of speckled trout between 10 p.m. and 5 a.m. only applies if the person is not on a commercial fishing trip.

House Bill 598 – Dartez & others

Requires that nets and trawls which are allowed to be unattended at camp wharfs must be tagged with tags issued by LDWF.

House Bill 600 – Jack Smith & others

Authorizes LWFC to designate non-native fish species as "exotic" and to create permits and rules to take the fish. Permits shall be valid for one year and may be monitored, reviewed, suspended, or revoked by the secretary of LDWF.

House Bill 601 – Baldone & B. Gautreaux

Creates a 50-pound possession limit on shrimp taken as bait with the use of dip nets less than 3 feet in diameter and ¼-inch mesh bait seines up to 30 feet long.

House Bill 602 – Daniel

Specifies that the fee for the bait dealers permit that allows the taking of shrimp in the closed period between spring and fall seasons shall be \$100 and dedicates the money collected to the administration of the bait dealer program. Also provides that these permits are valid for one year, from January 1 through December 31 of the same year.

House Bill 603 – Pierre & others

Creates a \$25 freshwater shrimp net gear license to use a 6-foot wire net with ¼-inch mesh. The net must be marked with a one gallon jug painted international orange and displaying the words "Freshwater Shrimp" in black letters. Allows the commercial taking of freshwater shrimp in the Mississippi River and the Intracoastal Waterway within 1½ miles of the boat ramp next to the Port Allen Locks. Authorizes the LWFC to create rules to allow commercial freshwater shrimp harvest in other locations or approve other gear for freshwater shrimp.

House Bill 604 – Frith

Requires charter fishing guides who are sent surveys by LDWF to complete them.

House Bill 605 – Frith & others

Corrects a part of the law that requires restaurants to purchase wholesale/retail dealer licenses if they purchase seafood from fishermen.

House Bill 606 – Jack Smith & others

Creates a \$50 senior lifetime hunting and fishing license for residents 60 years of age or older, who turned 60 after June 1, 2000.

House Bill 607 – Jack Smith & others

Requires every person on a recreational motorboat less than 26 feet long to wear a life preserver while the vessel is underway (this does not include trolling motors).

House Bill 608 – Jack Smith & Pierre

Allows people who work for LWFC to use natural resources for personal gain, excluding prohibitions within the Louisiana Code of Government Ethics.

House Bill 620 – Pierre

Provides that the Nineteenth Judicial District Court for East Baton Rouge shall be where all challenges are heard for the amount of compensation paid for property expropriated by LDNR.

House Bills 644 & 653 – Pierre

Authorizes LDNR to sample oyster leases to make determinations for coastal restoration.

House Bill 733 – Jack Smith & B. Gautreaux

Authorizes the LWFC to adopt rules on yo-yos or trigger devices if requested by a lake commission, fish and game commission, or watershed district. Provides that the regulations prohibit unattended use of the devices between 2 hours after sunrise and



1½ hours after sunset, unless the gear is tagged with the owner's name, address, telephone number, and the date and time the device was set. Requires retagging at least every 72 hours. Allows the use of unattended devices from ½-hour after sunset until 2 hours after sunrise.

#### House Bill 736 – Lafleur

Changes Class 1 wildlife and fisheries violations from civil violations to criminal violations. Adds the possibility of time in jail for these violations. Class 1 cases will be handled by the local district court.

#### House Bill 788 – Pierre

Requires LDNR to consider an applicant's history of compliance with requirements of the Coastal Resources Program before issuing a coastal use permit.

#### House Bill 815 – Baldone

Requires that beginning on July 1, 2006, that all commercial crab traps have a tag with the owner's name and commercial license number in raised letters attached to the bait mount located inside the trap.

#### House Bill 818 – Odinet & Damico

Requires that before January 1, 2005, the LWFC, with the LDWF, shall create rules and regulations to develop a site-specific, limited strike net fishery for black drum in an effort to control their predation of oysters. Only fishermen who qualify under Act 1316 of 1995 (the gill net ban) would be allowed to participate.

#### House Bill 855 – Pierre

Authorizes LDNR to impose a fine or penalty when an unauthorized activity, other than dredging or the placement of fill material, has damaged the coastal zone. The fine or penalty does not replace mitigation or restoration requirements.

#### House Bill 895 – Daniel

Defines a "marine motor" as having a horsepower of 26 hp or more and "marine product" as a boat with an outboard motor of 26 hp or more or any boat with an inboard/outboard motor of any horsepower.

#### House Bill 913 – Wooton

Creates a "Shrimp Trade Petition Account" for expenses related to petitions for anti-dumping duties on imported shrimp. Every resident who purchases a shrimp gear license shall pay a fee of \$10 and every non-resident \$40 into the account. Any resident wholesale/retail dealer who buys shrimp shall pay \$150 (non-residents, \$600) into the account. Any HACCP-certified, land-based facility in Louisiana that peels, cooks, cans, de-heads, or grades shrimp shall purchase a new \$1000 "shrimp processor" license. These license fees shall also be placed in the Shrimp Trade Petition Account.

#### House Bill 975 – Gallot

Authorizes LWFC to regulate recreational and commercial fishing nets and traps in Lake Claiborne.

House Bill 1131 – Daniel

Exempts "small loose outboard marine motor dealers" from areas of responsibility laws. These are contracted or franchised dealers handling outboard marine motors of 25 horsepower or less, separate from boats when delivered to the dealer. Adds special provisions for small loose outboard marine motor dealers.

House Bill 1162 – Dove

Provides that oil companies and their service companies who cause damage to oyster beds when traveling along approved LDNR routes shall only be liable for the reduction in market value of the oyster beds.

House Bill 1266 – Damico

Allows LDNR to use alternative landowner notification for coastal use permits if there are multiple owners of the same land, eases requirements for use of money in the Coastal Mitigation Account, and changes the rules on accepting payment to the Coastal Mitigation Account instead of mitigation.

House Bill 1317 – Daniel

Authorizes the Secretary of LDWF to have materials printed to promote hunting and fishing.

House Bill 1338 – Damico

Clarifies the law that requires the owner of an oil and gas activity to pay for a biological survey for damages brought before the Oyster Lease Damage Evaluation Board. Clarifies language on payment for damages, and provides for the board, rather than the oil and gas owner, to select a biologist for the biological survey. Authorizes removal of oyster samples from a lease for board evaluation purposes.

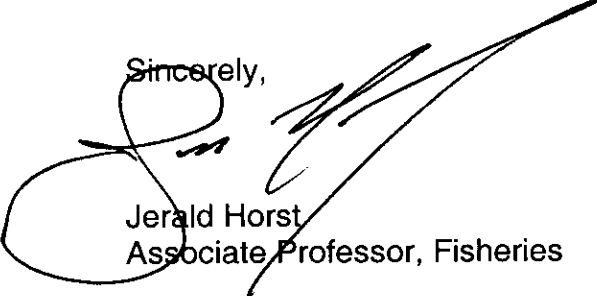
House Bill 1354 – Pinac

Modifies the marine dealer area of responsibility rules on time period for repurchase of inventory, reasons for denying a license, and exceptions of license denial rules.

House Bills 1374 – Jack Smith

Creates a \$10 senior commercial fisherman's license in place of the \$55 license, for people who are 70 years of age or older. With this license, the holder shall also not have to purchase commercial gear licenses.

Sincerely,



Jerald Horst  
Associate Professor, Fisheries