

NOTICE OF INTENT

Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission

Oyster Lease Moratorium for New Acreage  
(LAC 76:VII.Chapter 5)

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend LAC 76:VII.500 relative to the oyster lease moratorium.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 5. Oyster

§500. Oyster Lease Moratorium for New Acreage

A. A moratorium on the taking of new oyster lease applications for new acreage is established and will extend through January 4, 1998.

B. The moratorium for the taking of oyster lease applications established by the Wildlife and Fisheries Commission in 1996 will be lifted on January 5, 1998. At that time, applications for oyster leases will be accepted in accordance with all applicable statutes, rules and regulations and the procedures set out below. One week prior to the date the moratorium is lifted, the date, time and place where applications are to be taken will be publicly advertised. For the purpose of and only for the purpose of this lifting of the moratorium, the New Orleans Canal Street Office will not be the site for taking applications.

C. On the date for taking of applications only one applicant at a time will be allowed in to the office and this applicant will be allowed to take only one application. Each applicant will have 15 minutes to designate the area he wishes to apply for.

D. After the applicant pays the application and survey fees, he may return to the end of the line for another application.

E. Applications will be taken 24 hours a day (on a first come basis) until the department feels the influx of people can be handled during regular office hours at the New Orleans Office, at which time anyone will be able to take an application.

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

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:808 (August 1991), amended LR 22:

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the commission to promulgate and effectuate this notice of intent and the final rule, including but not limited to, the filing of the fiscal and economic statement, the filing of the notice of intent and final rule and the preparation of reports and correspondence to other agencies of government.

Interested persons may submit written comments on the amended rule to Mr. Philip Bowman, Programs Manager, Marine Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA, 70898-9000 no later than 4:30 p.m., Wednesday, October 2, 1996.

Glynn Carver  
Chairman

**FISCAL AND ECONOMIC IMPACT STATEMENT  
FOR ADMINISTRATIVE RULES  
RULE TITLE: New Oyster Lease Applications for New Acreage**

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no additional costs to the state or local governmental units as a result of placing a moratorium on the taking of new oyster lease applications for new acreage.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL

UNITS (Summary)

Given the current rate of revenue collections from new oyster lease applications, it is estimated that approximately \$150,000 annually will be foregone. Rental revenues from the newly approved oyster leases of \$2 per acre will not be collected and could amount to as much as \$52,868 per year. Decrease in revenue collections from new oyster lease application fees and rental of new oyster lease acreage for fiscal years 1995-96, 1996-97 and 1997-98 are estimated at \$150,000, \$112,868, and \$0.00, respectively. These estimates are based on previous fiscal year revenue collection data. In addition, an undeterminable severance tax amount of two and a half cents per oyster barrel harvested on these newly leased areas will be foregone due to the moratorium.

No measurable effects on revenue collections from local governmental units are anticipated from the proposed rule.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

There will be no measurable increase in direct costs to oyster fishermen and no increase in workload or paperwork due to the proposed rule.

The proposed rule will not affect the harvest or sale of oysters by oystermen. However, those individuals wishing to lease water bottom from the state, for the purpose of cultivating oysters, may experience a slight negative impact in future revenues due to the moratorium placed on the taking of new oyster lease applications for new areas. This will curtail production activities during the moratorium period by prohibiting the expansion of new private oyster grounds. The exact amount of this impact cannot be estimated at this time.

Long-term economic benefits of an undetermined magnitude may occur in Louisiana's recreational and commercial fishing and hunting industries from coastal restoration projects by reducing the erosion of wildlife and fishery habitats and the creation of new habitats as well as storm protection in certain areas of Louisiana. The probability or dimensions of the possible benefits from these coastal restoration projects cannot be estimated at this time.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

Currently there are approximately 3,000 oyster fishermen in the state of Louisiana, over 382,000 acres of private leases and over 2 million acres of public oyster seed grounds and oyster seed reservations. Thus, it is anticipated that based on the time limitation of the moratorium, the proposed rule will have very little effect on competition or present employment. Buyers and processors in the oyster industry may experience a slight increase in competition due to the curtailment of oyster production caused by the proposed moratorium.

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