

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Oyster Seed Ground Vessel—Permit Appeals Board  
(LAC 76:VII.529)**

The Wildlife and Fisheries Commission has promulgated a Rule on the Appeals Board for Oyster Seed Ground Vessel Permits. Authority for adoption of this proposed Rule is through R.S. 56:433.1.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 5. Oysters**

**§529. Oyster Seed Ground Vessel Permit Appeals Board**

A. A person whose application for an Oyster Seed Ground Vessel Permit is denied by the department may appeal the denial to the Oyster Seed Ground Vessel Appeals Board. Based upon the following procedure and requirements, the appeals board may recommend to the secretary that a permit be issued.

1. Hardship. The appeals board may recommend issuance of an Oyster Seed Ground Vessel Permit based on a decision of hardship.

a. An applicant submitting an appeal based upon the denial of an initial application submitted on or before December 31, 2009 for a Seed Ground Vessel Permit shall demonstrate by clear evidence that all of the following requirements have been met.

i. The applicant legally harvested oysters from the public seed grounds, either for market or seed, during at least two of the license years 2004, 2005, 2006, 2007, and 2008. This evidence may be trip ticket information or notarized written statements of two Louisiana licensed oyster harvesters.

ii. If the applicant is an individual, the applicant shall have held a Louisiana Commercial Fishing License and a Louisiana Oyster Harvester's License for at least two of the license years 2004, 2005, 2006, 2007, and 2008.

iii. One of the following conditions prevented the applicant's ability to otherwise meet the statutory eligibility requirements for a permit:

- (a). divorce proceeding;
- (b). bankruptcy or bank foreclosure;
- (c). dissolution of an oyster harvesting business partnership;
- (d). applicant's former or current vessel was the subject of a lawsuit;
- (e). military service;
- (f). serious medical condition or death;
- (g). applicant's former or current vessel was damaged or destroyed in a fire, natural disaster, sinking, or other accident.

b. An applicant submitting an appeal based upon the denial of a renewal or re-issuance permit application, shall provide clear evidence that one of the following prevented the applicant from otherwise meeting the eligibility requirements for a renewal or re-issuance permit:

- i. military service;
- ii. serious medical condition or death;

iii. applicant's former or current vessel was damaged or destroyed in a fire, natural disaster, sinking, or other accident.

2. Eligibility: The appeal application for a permit based upon eligibility must set forth in detail the facts the applicant is contending meet the eligibility requirements for a permit under the eligibility requirements provided in R.S. 56:433.1 and the rules promulgated pursuant thereto. The appeal application shall include the application submitted to and denied by the department.

3. The appeal application shall include the applicant's name, address, tax identification or Social Security number, date of birth or date of incorporation, and vessel registration or documentation number.

4. No other appeals shall be considered by the board unless additional rules or regulations are developed to address different circumstances.

5. After consideration, the appeals board may recommend to the secretary that the department issue a permit, but only upon affirmative vote of a majority of the appointed members of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:433.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 35:503 (March 2009).

Robert J. Barham  
Secretary

0903#019

**RULE**

**Department of Wildlife and Fisheries  
Wildlife and Fisheries Commission**

**Oyster Seed Ground Vessel—Permit Renewal  
and Re-Issuance (LAC 76:VII.527)**

The Wildlife and Fisheries Commission has promulgated a Rule on renewal and re-issuance of Oyster Seed Ground Vessel Permits. Authority for adoption of this proposed Rule is through R.S. 56:433.1.

**Title 76**

**WILDLIFE AND FISHERIES**

**Part VII. Fish and Other Aquatic Life**

**Chapter 5. Oysters**

**§527. Oyster Seed Ground Vessel Permit Renewal and Re-Issuance**

A. Renewal Permit. A holder of a valid permit for the current license year may apply for a renewal of the permit for the immediately following license year beginning on November 15 of the current license year or at any time during the immediately following license year, provided the holder and the vessel are identical to the holder and vessel listed on the permit for the current license year.

B. Re-Issuance Permit. The following persons shall be eligible to apply for a re-issuance permit.

1. A holder of a valid permit for the current or immediately preceding license year whose vessel listed on the permit is no longer in-service for the commercial harvest of oysters on the public seed grounds may apply for a re-issuance permit in the holders name for another vessel. The

current permit shall be relinquished to the department prior to obtaining a re-issuance permit.

2. A person acquiring a vessel listed on a valid permit for the current or immediately preceding license year may apply for a re-issuance permit for the vessel in the applicant's name upon providing documentation to the department that the vessel is titled in the applicant's name. Documentation shall be in the form of a bill of sale, judgment of possession, or act of donation. The current permit shall be relinquished to the department prior to obtaining a re-issuance permit.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:433.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 35:503 (March 2009).

Robert J. Barham  
Secretary

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