

## DECLARATION OF EMERGENCY

### Department of Wildlife and Fisheries Wildlife and Fisheries Commission

#### 2023/2024 Oyster Season on Public Areas of Louisiana

In accordance with the emergency provisions of the Administrative Procedure Act, R.S. 49:962, which allows the Wildlife and Fisheries Commission (commission) to use emergency procedures to set oyster seasons and under the authority of R.S. 56:433 and R.S. 56:435.1.1, which mandates that the commission shall set oyster seasons each year on the natural reefs, the commission does hereby set and declare the 2023/2024 oyster season in Louisiana state waters as follows:

The Sister Lake Public Oyster Seed Reservation, as described in R.S. 56:434, and Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509, shall open at one-half hour before sunrise on Monday, October 9, 2023 and the Sister Lake Public Oyster Seed Reservation shall close to the harvest of seed oysters at one-half hour after sunset on Monday, October 9, 2023.

The Sister Lake Public Oyster Seed Reservation, as described in R.S. 56:434, shall open at one-half hour before sunrise on Tuesday, October 10, 2023 and shall close to the harvest of market oysters at one-half hour after sunset on Monday, October 30, 2023.

The Public Oyster Seed Grounds and Reservations East of the Mississippi River, as described in LAC 76:VII.511 and LAC 76:VII.513, Department of Health Shellfish Harvest Areas 1, 2, 3, 4, 5, 6, 7 shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Monday, November 13, 2023, and shall close to the harvest of market oysters at one-half hour after sunset on Monday, April 1, 2024. No seed oyster harvest shall be allowed from these areas during the 2023/2024 oyster season.

Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, as described in LAC 76:VII.507 and LAC 76:VII.509, shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Monday, November 13, 2023, and shall close to the harvest of market oysters at one-half hour after sunset on Monday, April 1, 2024.

Calcasieu Lake Public Oyster Area as described in R.S. 56:435.1.1, in specific the West Cove shall open one-half hour before sunrise on Sunday, October 15, 2023, and East Cove shall open one-half hour before sunrise on Monday, January 1, 2024.

These actions shall not supersede public health closures.

During the 2023/2024 open oyster season, the following provisions shall be in effect:

1. Any vessel from which any person(s) takes or attempts to take oysters from the public oyster seed grounds and reservations described above shall be limited to a daily limit of sacks of oysters per vessel. The daily limit is not to exceed 30 sacks of oysters per vessel and the possession limit shall be twice the daily limit for the Public Oyster Seed Grounds and Reservations East of the Mississippi River, as described in LAC 76:VII.511 and LAC 76:VII.513, Department of Health Shellfish Harvest Areas 1, 2, 3, 4, 5, 6, 7. The daily and possession limits for Sister Lake Public Oyster Seed Reservations Public Oyster Seed Ground as

described in R.S. 56:434, Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds, shall not exceed 30 sacks of oysters per vessel per day. The daily and possession limits for Calcasieu Lake shall not exceed 15 sacks of oysters per vessel per day in aggregate between West Cove and the East Side, with no more than 5 sacks coming from the East Side per day. A sack of oysters for the purposes of this Declaration of Emergency shall be defined as the size described in R.S. 56:440. If sacks smaller than the size described in R.S. 56:440 are used, the daily harvest and possession limit shall be based on the number of sacks used, not the size of the sack or other measures. The daily take and possession limit shall not apply to vessels harvesting seed oysters for bedding purposes, at such times and in such public oyster areas where the harvest of seed oysters is allowed. The possession limit shall not apply to vessels operating under a valid Oyster Cargo Vessel Permit, and these properly-permitted vessels shall not harvest oysters while operating under the cargo permit.

2. All vessels harvesting seed oysters for bedding purposes only in the open public oyster areas shall not have sacks or other containers typically used to hold oysters on board the harvest vessel.

3. A vessel is limited to either harvesting market oysters for direct sale (sacking) or harvesting seed oysters for bedding purposes on any one day and is specifically prohibited from doing both on the same day.

4. If any person on a vessel takes or attempts to take oysters from the public oyster areas, seed grounds or reservations described above, all oysters contained on that vessel shall be deemed to have been taken from said seed ground or reservation from the time harvest begins until all oysters are off-loaded dockside.

5. The harvest of seed oysters from a public oyster seed ground or reservation shall be for the purpose of moving the live oyster resource. The removal of more than 15 percent of non-living reef material in bedding loads is prohibited. All vessels shall allow on-board inspection and sampling of seed oyster loads by Department of Wildlife and Fisheries (LDWF) personnel.

6. All oysters harvested from public areas, seed grounds or reservations for the purpose of market shall be uncontaminated, sealed and not gaping as described in R.S. 56:433.

7. All oysters harvested from public areas, seed grounds or reservations for the purpose of direct sale shall measure a minimum of 3 inches from hinge to bill as described in R.S. 56:433.

8. Prior to leaving public oyster areas, seed grounds or reservations with oysters harvested from said areas, all oysters must be sacked, the number of sacks shall be recorded in a log book, and each sack shall be properly tagged, with the exception of bedding vessels.

9. All vessels located in public oyster areas, seed grounds or reservations during those times between one-half hour after sunset and one-half hour before sunrise, shall have all oyster scrapers unshackled.

10. In Calcasieu Lake, oyster scrapers are prohibited. Oyster harvesting shall be limited to oyster tongs or by hand. Oyster tongs shall be made as a grasping device consisting of two pieces joined by a pivot or hinged like scissors used for picking up objects.

11. Every vessel harvesting oysters from the Public Oyster Areas for oyster resource shall report harvest

information to the LDWF before 9 p.m. each day fished. Vessels shall provide the following information: Captain's name, date of harvest, oyster harvester number, vessel number, the total number of sacks harvested that day, the total number of barrels of seed removed, and the oyster harvest area fished. Electronic Reporting will be allowed and shall be performed in a manner prescribed by the LDWF. Daily harvest reporting is also available by calling 1-800-442-2511. This reporting does not substitute for trip ticket reporting as required by law.

The following areas shall remain closed for the entire 2023/2024 oyster season:

1. The Hackberry Bay, Lake Mechant and Bay Junop Public Oyster Seed Reservation as described in R.S. 56:434.

2. The 2022 Drum Bay Cultch Plants with the following coordinates:

North Plant

29 degrees 53 minutes 24.837 seconds,

-89 degrees 17 minutes 08.500 seconds,

29 degrees 53 minutes 50.990 seconds,

-89 degrees 16 minutes 30.541seconds

29 degrees 54 minutes 12.658 seconds,

-89 degrees 16 minutes 43.889 seconds

29 degrees 53 minutes 55.360 seconds,

-89 degrees 17 minutes 30.601 seconds

South Plant

29 degrees 52 minutes 32.400 seconds,

-89 degrees 19 minutes 18.340 seconds

29 degrees 52 minutes 36.238 seconds,

-89 degrees 18 minutes 40.818 seconds

29 degrees 53 minutes 07.579 seconds,

-89 degrees 19 minutes 36.541 seconds

29 degrees 53 minutes 18.409 seconds,

-89 degrees 19 minutes 07.703 seconds

Drum Bay SOS Enhancement

29 degrees 52 minutes 50.471 seconds,

-89 degrees 16 minutes 38.502 seconds

29 degrees 52 minutes 54.871 seconds,

-89 degrees 16 minutes 25.121 seconds

29 degrees 52 minutes 49.018 seconds,

-89 degrees 16 minutes 21.173 seconds

29 degrees 52 minutes 44.382 seconds,

-89 degrees 16 minutes 34.559 seconds

3. Lake Tambour, Lake Chien, Lake Felicity, Deep Lake and Barataria Bay Public Oyster Seed Grounds as described in LAC 76:VII:517.

4. The Little Lake Public Oyster Seed Grounds as described in LAC 76:VII.521.

5. The 2023 Calcasieu Lake Cultch Plant with the following coordinates:

2023 Calcasieu Lake Cultch Plant

29 degrees 50 minutes 31.761 seconds,

-93 degrees 18 minutes 42.243 seconds

29 degrees 50 minutes 20.951 seconds,

-93 degrees 18 minutes 44.229 seconds

29 degrees 50 minutes 29.153 seconds,

-93 degrees 18 minutes 21.044 seconds

29 degrees 50 minutes 18.585 seconds,

-93 degrees 18 minutes 21.352 seconds

6. Oyster harvest on the Sabine Lake Public Oyster Area is prohibited as described in R.S. 56:435.1.

The secretary of LDWF is authorized to take emergency action as necessary to:

1. Close areas if oyster mortalities are occurring, to delay the season or close areas where significant spat catch has occurred with good probability of survival, where it is found that there are excessive amounts of non-living reef material in seed oyster loads, if oyster resources and/or reefs are being adversely impacted, or if enforcement problems are encountered.

2. Adjust daily take and/or possession limits as biological or enforcement data indicate a need.

3. Adjust sacking-only areas and/or restrict the taking of seed oysters as biological or enforcement data indicate a need.

4. Reopen an area previously closed if the threat to the resource has ended, or open areas if substantial oyster resources are located.

Prior to any action, the secretary shall notify the chair of the commission of the intention to make any or all of the changes indicated above.

Notice of any opening, delaying or closing of a season will be made by public notice at least 72 hours prior to such action unless such closure is ordered by the Department of Health for public health concerns.

Andrew J. Blanchard  
Chairman

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