

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2021/2022 Oyster Season on Public Areas of Louisiana

In accordance with the emergency provisions of the Administrative Procedure Act, Louisiana Revised Statutes (R.S.) 49:953.1, 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 in the natural reefs, the Commission does hereby set and declare the 2021/2022 oyster season in Louisiana state waters as follows:

The Sister Lake Public Oyster Seed Reservation as described in R.S. 56:434, shall open to the harvest of seed oysters for bedding purposes at one-half hour before sunrise on Monday, October 25, 2021, and shall close to the harvest of seed oysters for bedding purposes at one-half hour after sunset on Monday, October 25, 2021.

The Sister Lake Public Oyster Seed Reservation shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Tuesday, October 26, 2021, and shall close to the harvest of market oysters at one-half hour after sunset on Friday, October 29, 2021.

Calcasieu Lake Public Oyster Area as described in R.S. 56:435.1.1 shall open one-half hour before sunrise on Monday, November 1, 2021.

These actions shall not supersede public health closures.

A. During the 2021/2022 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 take not to exceed 25 sacks of market oysters for direct sale per vessel, except for Calcasieu Lake where the daily and possession limits shall not exceed 10 sacks of market oysters for direct sale per vessel. 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. The possession limit shall not apply to vessels operating under a valid Oyster Cargo Vessel Permit, and these vessels shall not harvest oysters.

2. All vessels harvesting on the open public oyster seed grounds on Monday, October 25, 2021 shall be harvesting seed oysters for bedding purposes only and 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.

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) biologists and/or agents.

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.

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.

B. The following areas shall remain closed for the entire 2021/2022 oyster season:

1. The 2021 Sister Lake Cultch Plant within the following coordinates:

- a. 29 degrees 14 minutes 25.211 seconds
90 degrees 56 minutes 19.117 seconds
- b. 29 degrees 14 minutes 3.351 seconds
90 degrees 56 minutes 19.203 seconds
- c. 29 degrees 14 minutes 25.075 seconds
90 degrees 55 minutes 34.537 seconds
- d. 29 degrees 14 minutes 3.214 seconds
degrees 55 minutes 34.626 seconds

2. The public oyster seed grounds and reservations, as described in Louisiana Administrative Code (LAC) 76:VII.507, LAC 76:VII.509, LAC 76:VII.511 and LAC 76:VII.513, including all areas east of Mississippi River, Louisiana Department of Health (LDH) Shellfish Harvest Areas 1, 2, 3, 4, 5, 6, 7, 8, and the Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds.

3. Lake Mechant, 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. Hackberry Bay, Bay Junop and Bay Gardene Public Oyster Seed Reservations and as described in R.S. 56:434.

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

C. 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 LDH for public health concerns.

Jerri G. Smitko
Chair

2110#023