

# DECLARATION OF EMERGENCY

## Department of Wildlife and Fisheries Wildlife and Fisheries Commission

2024/2025 Oyster Season on Public Areas of Louisiana

September 5, 2024

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 2024/2025 oyster season in Louisiana state waters as follows:

The Hackberry Bay and Bay Junop Oyster Seed Reservations, as described in R.S. 56:434, the Little Lake, and Lake Mechant Public Oysters Seed Grounds as described in Louisiana Administrative Code (LAC) 76:VII.517 and LAC 76:VII.521, and that portion of the Public Oyster Seed Grounds east of the Mississippi River, as described in LAC 76:VII.513, but including only the Department of Health Shellfish Harvest Areas 1 and 2, shall open for the harvest of seed oysters only for bedding purposes at one-half hour before sunrise on Monday, September 23, 2024 and shall close at one-half hour after sunset on Wednesday, September 25, 2024.

The 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, September 23, 2024 and shall close at one-half hour after sunset on Friday, May 30, 2025, however the harvest of market oysters for direct sale shall not commence, as per R.S. 56:433.B(1), prior to Monday, October 14, 2024.

The Bay Junop Oyster Seed Reservation, as described in R.S. 56:434, and the Lake Mechant Public Oyster Seed Ground, as described in LAC 76:VII.517, shall open at one-half hour before sunrise on Monday, October 21, 2024 for the harvest of market oysters only and shall close at one-half hour after sunset on Friday, October 25, 2024.

The Public Oyster Seed Grounds east of the Mississippi River, as described in LAC 76:VII.513, and north of the Mississippi River Gulf Outlet, which includes Department of Health Shellfish Harvest Areas 1, 2, 3, and 4, and the Hackberry Bay Oyster Seed Reservation, as described in R.S. 56:434, shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Friday, November 1, 2024, and shall close to the harvest of market oysters at one-half hour after sunset on Wednesday, April 30, 2025.

The west cove portion of the Calcasieu Lake Public Oyster Area, as described in R.S. 56:435.1.1, shall open at one-half hour before sunrise on Tuesday, October 15, 2024, and the east side of the Calcasieu Lake Public Oyster Area shall open at one-half hour before sunrise on Wednesday, January 1, 2025. These areas shall close on April 30, 2025.

These actions shall not supersede public health closures as ordered by the Louisiana Department of Health.

During the 2024/2025 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, except for those harvesting from the Vermilion/East and West Cote Blanche/Atchafalaya Bay Public Oyster Seed Grounds, shall be restricted to a daily limit of sacks of oysters per vessel. The daily limit shall not 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, and the Hackberry Bay Public Oyster Seed Reservation. The daily and possession limits for the Bay Junop Public Oyster Seed Reservation and the Lake Mechant 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 of the lake, with no more than 10 sacks per day allowed from the east side of the lake. 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 limits 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 on the open public oyster areas during such times when harvest is restricted to the taking of seed oysters for bedding purposes only 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 sale 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 harvesting seed oysters.

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 seed grounds shall report harvest information to the department no later than 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 shall be required and shall be performed in a manner prescribed by the Department.

The following areas shall remain closed for the entire 2024/2025 oyster season:

1. The Sister Lake and Bay Gardene Public Oyster Seed Reservations, as described in R.S. 56:434.

2. That portion of the Public Oyster Seed Grounds east of the Mississippi River, as described in LAC 76:VII.511, within the Department of Health Shellfish Harvest Areas 5, 6, 7.

3. The 2023 Drum Bay spat-on-shell broodstock reef with the following coordinates:

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

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

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

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. The 2024 Morgan Harbor Cultch Plant with the following coordinates:

29 degrees 49 minutes 00.15 seconds, -89 degrees 18 minutes 30.37 seconds

29 degrees 48 minutes 42.57 seconds, -89 degrees 18 minutes 13.44 seconds

29 degrees 49 minutes 34.91 seconds, -89 degrees 17 minutes 44.92 seconds

29 degrees 49 minutes 21.64 seconds, -89 degrees 17 minutes 25.17 seconds

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

8. Oyster harvest is prohibited on artificial reef sites, as described in LAC 76:VII.537.

9. The Barataria Bay Public Oyster Seed Grounds, as described in LAC 76:VII.517.

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.

Brandon J. DeCuir, Chairman  
Wildlife and Fisheries  
Commission

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