DECLARATION OF EMERGENCY
Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2022-2023 Oyster Season on Public Areas of Louisiana

In accordance with the emergency provisions of the Administrative Procedure Act, Louisiana Revised Statutes (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 in the natural reefs, the commission does hereby set and declare the 2022/2023 oyster season in Louisiana state waters as follows:

The Hackberry Bay, Lake Mechant and Bay Junop 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 shall open to the harvest of seed oysters for bedding purposes at one-half hour before sunrise on Monday, October 17, 2022, and shall close to the harvest of seed oysters for bedding purposes at one-half hour after sunset on Monday, October 17, 2022.

The Hackberry Bay, Lake Mechant, Bay Gardene and Bay Junop Public Oyster Seed Reservation as described in R.S. 56:434, Vermilion/East and West Cote Blanche Bay/Atchafalaya Bay Public Oyster Seed Grounds and the public oyster seed grounds and reservations, as described in Louisiana Administrative Code (LAC) 76:VII.507, LAC 76:VII.509, LAC 76:VII.510, 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 shall open to the harvest of market oysters for direct sale at one-half hour before sunrise on Tuesday, October 18, 2022, and shall close to the harvest of market oysters at one-half hour after sunset on April 1, 2023.

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 Saturday, October 15, 2022, and East Cove shall open one-half hour before sunrise on Sunday, January 1, 2023.

These actions shall not supersede public health closures. During the 2022/2023 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 not to exceed 30 sacks of oysters per vessel, except for Calcasieu Lake. The daily 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. The possession limit shall be twice the daily limit. 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 17, 2022 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, in exception for Calcasieu Lake.

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 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, 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 market shall report harvest information to the Department of Wildlife and Fisheries before 9 p.m. each day fished. Vessels shall provide the following information: Captain’s name, oyster harvester number, boat number, the total number of sacks harvested that day, and the public oyster area fished. Call 1-800-442-2511 or send email to oyster@wlf.la.gov to submit harvest reports. This reporting does not substitute for trip ticket reporting.

The following areas shall remain closed for the entire 2022/2023 oyster season:

1. The Sister Lake Public Oyster Seed Reservations Public Oyster Seed Ground as described in R.S. 56:434.

2. The 2022 Drum Bay Cultch Plant with the following coordinates.

   North Plant
   29 degrees 53 minutes 53.877 seconds,
   -89 degrees 17 minutes 08.500 seconds
   29 degrees 53 minutes 50.990 seconds,
-89 degrees 16 minutes 30.541 seconds
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 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

4. The Little Lake Public Oyster Seed Grounds as described in LAC 76:VII.521.
5. 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 LDH for public health concerns.

Joe McPherson
Chairman