

## **NOTICE OF INTENT**

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

#### **Establishment of Recreational Reef Sites and Restriction of Oyster Harvest (LAC 76:VII.537)**

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:805, that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.537 to designate and set aside four new artificial reef sites as recreational reefs in the coastal waters of Plaquemines and St. Bernard Parishes, restricting all harvest of oysters. Oyster resources on public water bottoms in these areas are at historic lows and development of additional reef resources, and restricting the take of oysters, will provide long-term benefits to the ecosystem and oyster community. Oysters that settle or are seeded on the recreational reefs can possibly mature, grow the reef, and increase spawning to naturally re-seed adjacent oyster areas that could be available for oyster harvest. These reefs will enhance habitat for fish and other marine organisms, including oysters.

The secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this notice of intent and final rule, including but not limited to, the filing of the Fiscal and Economic Impact statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

### **Title 76**

### **WILDLIFE AND FISHERIES**

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

## Chapter 5. Oysters

### §537. Establishment of Recreational Reef Sites and Restriction of Oyster Harvest

A. The Wildlife and Fisheries Commission hereby establishes the following recreational reef sites as that area within the following coordinates (North America Datum 1983):

A.1. – A.33. ...

34. Lake Machias Reef-Plaquemines Parish

a. 29 degrees 42 minutes 33.415 seconds N

89 degrees 29 minutes 01.696 seconds W

b. 29 degrees 42 minutes 33.198 seconds N

89 degrees 28 minutes 53.531 seconds W

c. 29 degrees 42 minutes 27.307 seconds N

89 degrees 28 minutes 53.737 seconds W

d. 29 degrees 42 minutes 27.514 seconds N

89 degrees 29 minutes 01.902 seconds W

35. Mozambique Point Reef-Plaquemines Parish

a. 29 degrees 37 minutes 13.742 seconds N

89 degrees 29 minutes 24.861 seconds W

b. 29 degrees 37 minutes 13.558 seconds N

89 degrees 29 minutes 17.914 seconds W

c. 29 degrees 37 minutes 06.54 seconds N

89 degrees 29 minutes 18.158 seconds W

d. 29 degrees 37 minutes 06.713 seconds N

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89 degrees 29 minutes 25.119 seconds W

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36. Petit Pass Reef-Saint Bernard Parish

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a. 30 degrees 07 minutes 01.066 seconds N

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89 degrees 29 minutes 35.34 seconds W

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b. 30 degrees 07 minutes 04.314 seconds N

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89 degrees 29 minutes 25.295 seconds W

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c. 30 degrees 07 minutes 00.11 seconds N

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89 degrees 29 minutes 23.50 seconds W

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d. 30 degrees 06 minutes 56.873 seconds N

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89 degrees 29 minutes 33.544 seconds W

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37. Karako Bay Reef-Saint Bernard Parish

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a. 30 degrees 01 minutes 29.507 seconds N

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89 degrees 19 minutes 09.207 seconds W

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b. 30 degrees 01 minutes 29.278 seconds N

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89 degrees 19 minutes 01.029 seconds W

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c. 30 degrees 01 minutes 23.388 seconds N

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89 degrees 19 minutes 01.235 seconds W

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d. 30 degrees 01 minutes 23.618 seconds N

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89 degrees 19 minutes 09.438 seconds W

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B. Any and all harvest of oysters from these recreational reefs is prohibited.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:805.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 41:1309 (July 2015), amended LR 43:91 (January 2017), LR 46:363 (March 2020), LR .

### **Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent. This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

### **Poverty Impact Statement**

The proposed rulemaking will have no impact on poverty as described in R.S.49:973.

### **Small Business Analysis**

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

### **Provider Impact Statement**

This Rule has no known impact on providers as described in HCR 170 of 2014.

### **Public Comments**

Interested persons may submit written comments relative to the proposed Rule to Denise Kinsey, Marine Fisheries Biologist, Box 98000, Baton Rouge, LA 70898, or via email to [dkinsey@wlf.la.gov](mailto:dkinsey@wlf.la.gov) prior to April 1, 2021.

Jerri G. Smitko

Chair