

## **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

89 degrees 29 minutes 25.119 seconds W

36. Petit Pass Reef-Saint Bernard Parish

a. 30 degrees 07 minutes 01.066 seconds N

89 degrees 29 minutes 35.34 seconds W

b. 30 degrees 07 minutes 04.314 seconds N

89 degrees 29 minutes 25.295 seconds W

c. 30 degrees 07 minutes 00.11 seconds N

89 degrees 29 minutes 23.50 seconds W

d. 30 degrees 06 minutes 56.873 seconds N

89 degrees 29 minutes 33.544 seconds W

37. Karako Bay Reef-Saint Bernard Parish

a. 30 degrees 01 minutes 29.507 seconds N

89 degrees 19 minutes 09.207 seconds W

b. 30 degrees 01 minutes 29.278 seconds N

89 degrees 19 minutes 01.029 seconds W

c. 30 degrees 01 minutes 23.388 seconds N

89 degrees 19 minutes 01.235 seconds W

d. 30 degrees 01 minutes 23.618 seconds N

89 degrees 19 minutes 09.438 seconds W

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

## **FISCAL AND ECONOMIC IMPACT STATEMENT**

### **Summary Sentences**

#### **I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

There are no direct, material anticipated implementation costs or savings to the Department of Wildlife & Fisheries (LDWF) or to state or local government units as a result of the proposed rule change.

The proposed rule establishes four public fishing reefs in the coastal waters of Plaquemines and Saint Bernard Parish in areas that are currently part of public oyster seed grounds. The harvest of oysters from these sites would be prohibited as a consequence of the designation of these reefs as recreational reefs.

Investigative and enforcement costs are not anticipated to increase the budget for those activities stemming from the four new proposed public fishing reefs.

#### **II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**

The potential increase in revenue to LDWF is not anticipated to be material. Some increase in revenue may result from fines and fees levied against those persons engaged in the illegal harvesting of oysters on the proposed reefs.

#### **III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)**

The proposed rule may benefit saltwater anglers by providing increased opportunities for recreational fishing.

The proposed rule may affect commercial fishers who currently use the portions of public land to be incorporated into these protected areas. It will reduce the area available for public oyster harvests in the region (currently estimated at approximately 990,000 acres) by approximately 40 acres. Because the water bottoms to be incorporated within the public fishing reefs currently lack substantial amounts of substrate material suitable for oyster production, the effect on commercial oyster harvesting is expected to be minimal.

LDWF biological assessments of the areas in which the proposed reefs are to be established indicate that they may provide suitable habitat for the growth of oysters once the reef material is in place. The LDWF intends for the proposed reefs to serve as oyster broodstock areas that may enhance oyster production in adjacent areas.

#### **IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)**

There is no estimated effect on competition and employment as a result of the rule change.

