

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Pursuant to Act 416 of the 2015 Regular Legislative Session the Wildlife and Fisheries Commission does hereby give notice of its intent to establish the following administrative rule relative to the use, possession, and configuration of devices designed to exclude the take of marine wildlife from shrimp trawls within the territorial waters of Louisiana and in the adjacent federal exclusive economic zone.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§ 374 Turtle Excluder Device (TED) Requirements; use; exemptions; prohibitions

- A. The Wildlife and Fisheries Commission does hereby adopt the following rules and regulations regarding the use of Turtle Excluder Devices.
- B. It is unlawful for any person to do any of the following while trawling for shrimp within and without Louisiana's territorial waters: operate, be on board a vessel, fish for, catch, take, harvest, or possess, fish, shrimp or wildlife unless that vessel is in compliance with all applicable provisions of this section regarding use of Turtle Excluder Device (TED) requirements as contained herein.
- C. Gear requirements for shrimp trawlers
 - (1) TED requirement for shrimp trawlers. Any shrimp trawler that is in Louisiana waters or waters of the adjacent Gulf of Mexico Area must have an approved TED installed in each net that is rigged for fishing. A net

is rigged for fishing if it is in the water, or if it is shackled, tied, or otherwise connected to any trawl door or board, or to any tow rope, cable, pole or extension, either on board or attached in any manner to the shrimp trawler.

D. Approved TEDs.

Approved TEDs are those devices and their uses as approved and authorized by NOAA Fisheries Service as specified by 50 CFR 223.207.

E. Exemptions from the TED requirement

(1) Alternative tow-time restrictions. A shrimp trawler is exempt from the TED requirements of this section if it complies with the alternative tow-time restrictions and if it:

- a. Has on board no power or mechanical-advantage trawl retrieval system (i.e., any device used to haul any part of the net aboard);
- b. Is a bait shrimper that retains all live shrimp on board with a circulating seawater system if it has a valid original state bait-shrimp license, and if the state license allows the licensed vessel to participate in the bait shrimp fishery;
- c. Has only a pusher-head trawl, butterfly net, skimmer trawl, or wing net rigged for fishing;
- d. Is in an area during a period for which tow-time restrictions apply under a specific declaration; or
- e. Is using a single test net (try net) with a head rope length of 12 ft (3.6 m) or less and with a lead line length of 15 ft (4.6 m) or less, if it is pulled immediately in front of another net or is not connected to another net in any way, if no more than

one test net is used at a time, and if it is not towed as a primary net.

(2) Tow-time restrictions. Duration of tows. If tow-time restrictions are utilized a shrimp trawler must limit tow times as described herein.

a. The tow time is measured from the time that the trawl door enters the water until it is removed from the water. For a trawl that is not attached to a door, the tow time is measured from the time the cod end enters the water until it is removed from the water. Tow times may not exceed:

(i) 55 minutes from April 1 through October 31; and

(ii) 75 minutes from November 1 through March 31.

F. No person who, pursuant to state or federal law, is subject to the jurisdiction of this state shall violate any federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15, for Sea Turtles and Turtle Excluder Devices while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange shrimp taken with a trawl within or without the territorial boundaries of Louisiana in violation of any state or federal law, rule or regulation particularly those rules and regulations enacted pursuant to the Magnuson-Stevens Fishery Conservation Act and published in the Code of Federal Regulations as amended Title 50 and 15 law.

AUTHORITY NOTE: Promulgated in accordance with La. R.S.

56:15, 56:23, 56:492.1 and 56:493.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR____.

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 the 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.

Family Impact Statement

In accordance with Act No. 1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issue its Family Impact Statement in connection with the preceding Notice of Intent.

Poverty Impact Statement

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

Provider Impact Statement

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

Interested persons may submit written comments relative to the proposed rule until 4:30 p.m., April 1, 2016 to Jeff Marx, LDWF Marine Fisheries Division, 2415 Darnall Rd., New Iberia, Louisiana, 70560, or via email to jmarx@wlf.la.gov.

Edwin "Pat" Manuel
Chairman