

## **NOTICE OF INTENT**

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

#### Commercial Menhaden Reporting Requirements (LAC 76:VII.308)

The Wildlife and Fisheries Commission does hereby give notice of intent to promulgate a new Rule (LAC 76:VII.308) requiring reporting of harvest and length data as a result of and pursuant to Act 759 of the 2022 Regular Session of the Louisiana Legislature. Currently, the commercial menhaden reduction fishery reports landings data to the Department of Wildlife and Fisheries (LDWF) through monthly trip tickets and to NOAA Fisheries through Captain's Daily Fishing Reports (CDFRs). This new rule would require the commercial menhaden reduction fishery to report data monthly, beginning in May of 2023, to LDWF for each purse seine set. Reported data shall include location, estimated volume of harvest, and length measurements in a manner specified by LDWF. The rule further establishes compliance with confidentiality of those data submitted to comply with federal procedures set forth by the Department of Commerce regarding confidentiality of fishing statistics. Furthermore, the rule requires that, beginning on February 10, 2024, LDWF report annually to the Senate Committee on Natural Resources and the House Committee on Natural Resources and the Environment the commercial menhaden harvest from the prior year.

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, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and compiling public comments and submissions for the commission's review and consideration. In the absence of any further action by the commission following an opportunity to consider all public comments regarding the proposed rule, the Secretary is authorized and directed to prepare and transmit a summary report to the legislative oversight committees and file the final Rule.

## **Title 76**

### **WILDLIFE AND FISHERIES**

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

##### **Chapter 3. Saltwater Sport and Commercial Fishery**

###### **§308. Commercial Menhaden Reporting Requirements**

###### **A. Reporting**

1. Companies taking menhaden by vessels equipped with purse seines for the purpose of reduction fishing shall report monthly, beginning in May 2023, commercial menhaden harvest reports. Reports for the previous month shall be due to the Department of Wildlife and Fisheries (LDWF) by the tenth of the following month (the first report shall be due May 10, 2023 for the month of April 2023).

2. Monthly Reporting shall include the following data for each set:

a. year, date, set number, vessel, plant, set start time, and set end time;

b. location data in degrees, minutes, and seconds with a defined datum determined by global positioning satellite (GPS) navigational instrument reading;

c. estimated volume of harvest in 1,000s of fish;

d. length measurements, in millimeters fork length, of 15 randomly selected menhaden (5 from the beginning of set pump out, 5 from the middle of set pump out, and 5 from the end of set pump out);

e. Reports shall be provided in electronic form to LDWF in an electronic spreadsheet as specified by LDWF and containing the elements outlined above in this section.

3. Beginning February 10, 2024, LDWF shall annually report to the Senate Committee on Natural Resources and the House Committee on Natural Resources and the Environment the commercial harvest from the prior year based upon aggregated data from the monthly reports.

#### B. Definitions

*Fork length*—measurement of a fish from the tip of its snout to the fork of the tail.

*Set*--for the purposes of this rule, a "set" is defined as when a purse seine is deployed and encircles a school of menhaden, regardless of whether those fish are reduced to possession by transferring to the mother ship or steamer.

#### C. Confidentiality

1. Any data provided to LDWF under the provisions of this rule shall comply with confidentiality provisions set forth in LAC

Title 76, Part I, Chapter 3, Subchapter F. Any information LDWF provides to the public shall not indicate the captain, vessel or company.

AUTHORITY NOTE: Promulgated in accordance with R.S. 325.5.

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

#### **Family Impact Statement**

In accordance with Act 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. 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 proposed Rule has no known impact on providers as described in HCR 170 of 2014.

#### **Public Comments**

Interested persons may submit comments relative to the proposed Rule to Jason Adriance, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to [jadriance@wlf.la.gov](mailto:jadriance@wlf.la.gov) prior to noon on Thursday, November 3, 2022.

Joe McPherson

Chairman