

## NOTICE OF INTENT

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

Menhaden Season  
(LAC 76:VII.307)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.307) by **extending the coast wide buffer zone for the commercial harvest of menhaden from ¼ mile to one mile** and adding provisions that establish a buffer zone three miles off of the area between Holly Beach and Rutherford Beach in southwestern Louisiana. Further modifications to the rule clarify when the retrieval of any menhaden or bycatch released into the environment must begin. The proposed rule modification details specific reporting elements required when an intentional or unintentional release of gear, menhaden, or bycatch occurs. Authority for amendment of this Rule is included in the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:315, R.S. 56:326.3, R.S. 56:409.1 and R.S. 30:2531.3.

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

#### §307. Menhaden Season

A.-B. ...

C. The menhaden season shall apply to all waters ~~1/4~~ one statute mile seaward of the inside-outside line described in R.S. 56:495, except as noted in Subsection D, including waters in the Federal Exclusive Economic Zone (EEZ), and in Chandeleur and Breton Sounds as described in Subsection E below. All other inside waters and passes are permanently closed to menhaden fishing.

D. Coastal Buffer Restrictions

~~1. Restrictions off Elmer's Island, Louisiana. The menhaden season shall apply to waters beginning 1 statute mile seaward of the inside-outside line from the eastern shore of Belle Pass, Louisiana to the eastern shore of Caminada Pass, Louisiana.~~

21. Restrictions off Grand Isle, Louisiana. The menhaden season shall apply to waters beginning 3 statute miles seaward of the inside-outside line from the eastern shore of Caminada Pass, Louisiana to the eastern shore of Barataria Pass, Louisiana.

~~3. Restrictions off West Grand Terre Island, Louisiana. The menhaden season shall apply to waters beginning 1 statute mile seaward of the inside-outside line from the eastern shore of Barataria Pass, Louisiana to the eastern shore of Pass Abel, Louisiana.~~

2. Restrictions off Rutherford Beach and Holly Beach, Louisiana. The menhaden season shall apply to waters beginning 3 statute miles seaward of the inside-outside line from the area described below off Rutherford Beach, westward to the area near Holly Beach, Louisiana. Beginning to the east at Latitude 29 degrees 44 minutes 48.37 seconds

N, Longitude 93 degrees 04 minutes 15.38 seconds W which is on the inside-outside line, thence seaward to Latitude 29 degrees 42 minutes 05.77 seconds N, Longitude 93 degrees 04 minutes 12.56 W, thence westward to Latitude 29 degrees 42 minutes 35.22 seconds N, Longitude 93 degrees 37 minutes 35.13 seconds W thence shoreward to Latitude 29 degrees 45 minutes 13.39 seconds N, Longitude 93 degrees 37 minutes 38.84 seconds W which is on the inside-outside line. All coordinates are in NAD 1983 feet.

E.-E.1. ...

F. No menhaden purse seine gear or contents of purse seine gear shall be released or abandoned while on the water or during the course of fishing operations.

1. In the event that gear is released, such gear shall be marked in an appropriate manner to facilitate retrieval and effectively warn of navigational hazards caused by the released gear. Such gear shall be retrieved from the water within 48 hours of release. Failure to retrieve the gear within the prescribed period shall be considered abandonment of the gear.

1.2. Any and all reasonable attempts ~~shall be made~~ to retrieve menhaden and any bycatch from the environment shall commence within 12 hours in the of any event that where menhaden purse seine gear is lost, damaged, released, or abandoned, or the contents of purse seine gear is released intentionally or unintentionally. Retrieval efforts shall continue until the released contents of the menhaden purse seine have been removed from the environment to the extent practicable.

2.3. Any unintentional or intentional release of purse seine gear or ~~menhaden contents of purse seine gear~~ by the commercial reduction menhaden fishery ~~into the waters of Louisiana~~ shall be reported to the Enforcement Division within two hours of such release. This

reporting shall be by email and by phone call to the Enforcement Division dispatch and communications center. The report shall contain, at a minimum, the following information:

- a) the date and approximate time of the release,
- b) the species of fish released,
- c) the disposition of the fish released,
- d) the vessel which released the fish,
- e) an estimated number of fish released,
- f) photographic or video documentation of sufficient resolution to clearly depict the scope and composition of the release,
- g) the coordinates of the location of the release, and
- h) the causative factors of the release of fish.

~~3.4. Violations of~~ Any release of the contents of a menhaden purse seine as described in this Subsection shall be considered waste of a fishery resource and subject to civil fine and restitution for the value of the wasted fish. Failure to retrieve menhaden purse seine gear from the environment waters within 48 hours of release of such gear, or failure to retrieve released contents of a menhaden purse seine to the extent practicable shall constitute a commercial littering violation pursuant to R.S. 30:2531.3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25)(a), R.S. 56:313, R.S. 56:315, R.S. 56:326.3, and R.S. 56:409.1.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 5:329 (October 1979), amended LR 14:547 (August 1988), LR 19:58 (January 1993), LR 19:1179 (September 1993), LR 48:1588 (June 2022), LR 49:514 (March 2023), 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 Thursday, January 4, 2024.

Andrew J. Blanchard

Chairman