

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Red Drum-Harvest Regulations (LAC 76:VII.363)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.363) by modifying the daily size, bag, and possession limit for recreationally harvested red drum from a 16 inch minimum size limit and a 27 inch maximum size limit to an 18 inch minimum size limit total length and a 24 inch maximum size limit total length. Further modifications to the rule also prohibit the retention of any red drum above the maximum size limit of 24 inches total length and prohibits the retention of red drum by captain and crew on charter or headboats. Red drum bag, possession, and size limits were previously established by the Louisiana Legislature in R.S. 56:325.1(A)(2)(a), R.S. 56:325.1(B)(1), and R.S. 56:325.1(B)(2). However, based upon biological and technical data, the commission may establish new bag, possession and size limits in accordance with the Administrative Procedure Act, which supersedes any such limits established in law. The proposed changes are a result of biological data that indicate the red drum stock is experiencing overfishing resulting in an escapement rate that is below the 30 percent minimum limit, which is leading to a declining biomass. In order to increase the escapement rate and avoid the stock biomass declining to an overfished condition, management changes are necessary. The 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. 56:325.1, and 56:326.3 to the Wildlife and Fisheries Commission.

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

§363. Red Drum – Harvest Regulations

~~A. — No person who, pursuant to state or federal law, is subject to the jurisdiction of the 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 Red Drum (*Sciaenops ocellatus*) while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange Red Drum 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.~~

A. Recreational Regulations.

1. The daily take and possession limit for red drum (*Sciaenops ocellatus*) caught recreationally within or without Louisiana waters shall be three fish per day.

2. The minimum legal size for the recreational taking of red drum shall be 18 inches total length with the mouth closed. The maximum legal size for the taking of red drum shall be 24 inches total length with the mouth closed. Possession of red drum over the prescribed maximum size of 24 inches total length, when measured with the mouth closed, is prohibited.

3. Captain and crew members shall not retain a daily limit of red drum while operating or representing themselves as a charter vessel or headboat. Captain and crew may engage in fishing activity to assist their clients to catch, retrieve, or land red drum, or to demonstrate to their clients how to catch red drum.

B. No person who, pursuant to state or federal law, is subject to the jurisdiction of the 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 red drum while fishing in the EEZ, or possess, purchase, sell, barter, trade, or exchange red drum 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 R.S. 56:6(25)(a), R.S. 56:320.2(C), R.S. 56:325.1, R.S. 56: 325.1(A)(2), and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 27:2266 (December 2001), amended 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 prior to noon on Thursday, October 5, 2023.

Andrew J. Blanchard

Chairman