

NOTICE OF INTENT

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

Commercial and Recreational Harvest of Southern Flounder
(LAC 76:VII.351 and 353)

The Wildlife and Fisheries Commission does hereby give notice of intent to amend two Rules (LAC 76:VII.351 and 353) by modifying existing Southern Flounder harvest regulations. Proposed changes establish a closed season for the commercial and recreational harvest of Southern Flounder from October 15 through November 30 of each year. Proposed changes eliminate outdated commercial rules established during a transitional time as some commercial gears were being banned. Authority for modification 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. 56:320, R.S. 56:320.2, R.S. 56:326, R.S. 56:326.1, R.S. 56:326.3, and R.S. 56:492 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

§351. Commercial Harvest of Southern Flounder

A. Commercial Season

1. The commercial harvest of southern flounder (*Paralichthys lethostigma*) in Louisiana waters, by any means of take with any gear, is prohibited from October 15 through November 30 of each year.

B. Commercial Possession and Sale

1. A properly licensed commercial fisherman who is using legal gear, other than shrimp gear, may possess up to a daily limit of 10 southern flounder.

2. A properly licensed commercial fisherman may retain and possess all southern flounder caught as by-catch utilizing legal shrimp gear during an open shrimp season,

provided that the commercial season for southern flounder is open.

3. Southern flounder legally possessed under this rule may be purchased, bartered, traded, exchanged or sold.

4. Nothing shall prohibit the possession or sale of southern flounder legally taken prior to the closure providing that all commercial dealers possessing southern flounder taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.4.

5. Commercial dealers possessing southern flounder legally imported into the state shall maintain appropriate records in accordance with other provisions of law.

~~A. Commercial Harvest with Pompano Strike Nets~~

~~1. The commercial harvest of southern flounder (*Paralichthys lethostigma*) in Louisiana waters by pompano strike nets is closed and will remain closed until May 1, 1997. No vessel possessing any pompano strike net shall have southern flounder (*Paralichthys lethostigma*) aboard the vessel, whether caught within or without the territorial waters of the state.~~

~~2. Effective with the closure, the sale, barter, or exchange of, and the commercial possession of southern flounder (*Paralichthys lethostigma*) taken with strike nets shall be prohibited.~~

~~B. Commercial Harvest with Commercial Gear Other than Strike Nets~~

~~1. Other provisions of law notwithstanding, a properly licensed commercial vessel that contains legal commercial fishing gear, other than strike nets, may have on board up to a daily possession limit of 10 southern flounder (*Paralichthys lethostigma*) per person on board.~~

~~2. Other provisions of law notwithstanding, a properly licensed commercial fisherman who is not on a vessel and who is using legal gear, other than strike nets, may possess up to a daily limit of 10 southern flounder (*Paralichthys lethostigma*). Southern flounder (*Paralichthys lethostigma*) legally possessed under this rule may be purchased, bartered, traded, exchanged or sold.~~

~~C. Commercial Possession and Sale~~

~~1. Nothing shall prohibit the possession or sale of southern flounder (*Paralichthys lethostigma*) legally taken prior to the closure providing that all commercial dealers possessing southern flounder (*Paralichthys lethostigma*) taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.4.~~

~~2. Effective with this rule, in addition to all records otherwise required by law, wholesale/retail dealers shall maintain records indicating the number and poundage of~~

~~southern flounder (*Paralichthys lethostigma*) for each transaction when southern flounder (*Paralichthys lethostigma*) are acquired, possessed or transferred.~~

~~3. Commercial dealers possessing southern flounder (*Paralichthys lethostigma*) legally imported into the state shall maintain appropriate records in accordance with other provisions of law.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:313, R.S. 56:320, R.S. 56:326, R.S. 56:326.3, and R.S. 56:492.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Office of Fisheries, LR 22:1143 (November 1996), amended by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR .

§353. Recreational Harvest of Southern Flounder

A. The daily take and possession limit for the recreational taking of Southern Flounder (*Paralichthys lethostigma*) caught within or without Louisiana waters shall be 10 fish per day and in possession.

B. Recreational harvest of southern flounder is prohibited from October 15 through November 30 of each year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(25) (a), R.S. 56:326.1 and R.S. 56:326.3.

HISTORICAL NOTE: Promulgated by the Department of

Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 22:1144 (November 1996), 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, May 2, 2022.

Joe McPherson
Chairman

