

## **NOTICE OF INTENT**

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

#### **Special Bait Dealer's Permit (LAC 76:VII.329)**

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:961 et seq., and through the authority granted in R.S. 56:497(C), that the Wildlife and Fisheries Commission does hereby amend a Rule, LAC 76:VII.329, which provides for a special bait dealer's permit program. The amendment to the current rule will allow those operating under a special bait dealer's permit the option to sell bait directly from their vessels. The change will clarify language in the existing rule allowing the special bait dealer's permit holder the option to sell bait directly from the vessel and allow a properly licensed fisher, operating under the special bait dealer's permit, the ability to sell bait directly to the public from the vessel. This change may increase the opportunity for the recreational fishing public to access live bait, while allowing uninterrupted operation for the commercial establishments that sell live bait.

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 promulgate the final rule.

## **WILDLIFE AND FISHERIES**

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

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

##### **§329. Special Bait Dealer's Permit**

A. Policy. The special bait dealer's permit is intended solely for the benefit of the recreational fishing public which desires to use live shrimp and live croaker as bait during the closed shrimp seasons. Its purpose is to allow the uninterrupted operation of those commercial establishments which sell live bait shrimp and live croaker to the fishing public during the closed shrimp seasons. The permit is not intended for the direct use of recreational fishermen, charter boats, commercial fishermen who sell dead shrimp or croaker, or for any other entity which may wish to catch shrimp or croaker for their own use during the closed shrimp seasons.

B. Application

1. Applicants wishing to sell live shrimp or live croaker harvested from Louisiana waters during closed shrimp season must apply for a special bait dealer permit from the department for a fee of \$110.00.

2. The special bait dealer's permit shall be valid for one year beginning January 1 and ending December 31 of that same calendar year. The permit may be purchased at any time during the year for the current permit year and beginning November 15 for the immediately following permit year.

3. Applications will be accepted only from the owner of an onshore **facility** **business** which sells or plans to sell live shrimp or live croaker to recreational fisherman.

4. Applicant shall be responsible for acquiring and possessing all proper licenses, including the wholesale/retail seafood dealer's license.

5. Any person convicted of any class three or greater wildlife or fisheries violation within the previous three years prior to the date of application shall not qualify to obtain a special bait dealer's permit or be onboard any vessel engaged in permitted activities.

6. Applicant must post a \$1,000 cash bond before the permit is issued. This bond will be forfeited if the permittee, his employee, or his contractor violates any provision of the rules and regulations concerning the special bait dealer's permit or if the permittee, his employee, or his contractor violates any commercial fishing law or regulation while operating under the permit.

7. All new applications shall require an inspection by the department of their onshore facility and vessel prior to permit being issued. Subsequent inspections may be required at renewal. Inspection requirements shall verify applicant is operating a commercial establishment which sells live shrimp or live croakers to the fishing public for use as bait and shall include:

- a. onshore facility and vessel able to maintain live shrimp or live croakers;
- b. onshore facilities and vessel tanks must have provisions for aeration and/or circulation of the water in which live shrimp or live croakers are held;
- c. onshore facility holding tanks must have a minimal combined capacity of 300 gallons. Tanks having less than 30 gallon capacity will not be included in combined on shore facility capacity;
- d. vessel tanks must be carried on or built into the vessel and have a minimum of one compartment or tank with a minimum capacity of 30 gallons; alternatively, the

permit holder may hold live shrimp and croaker for sale in a submerged cage tethered to the vessel;

e. notice to the public must be posted that live bait is available.

8. Only the vessel and those commercial fishermen specified at the time of application shall operate under the permit. Amendments to vessel or commercial fishermen listed under the permit must be submitted to the department and approved before the new vessel or commercial fisherman can operate under the permit. The permit is not transferable to any other person or vessel. The entire original permit must be carried on the vessel while in operation.

C. Operations

1. The entire original permit must be in the possession of the commercial fisherman while operating under the conditions of the permit. Only the vessel and those commercial fishermen specified at the time of application shall operate under the permit. No other vessel or commercial fisherman shall be used under this permit.

2. Live wells, aeration tanks, and other vessel facilities to maintain live shrimp or croaker must be carried on or built into this vessel while operating under the conditions of the permit. Alternatively, the permit holder is also authorized to hold and sell live shrimp and croaker for sale in submerged cages tethered to the vessel.

3. No person shall transfer any shrimp or croaker taken under a permit from one vessel to another unless both vessels are permitted under the same wholesale/retail seafood dealer, and the captain of the harvesting vessel has signed a trip ticket for the harvested bait, and the bait is then transported directly to the wholesale/retail seafood dealer under which both vessels are operating; upon receiving the harvested bait the dealer shall complete the trip ticket.

4. ~~While operating under the conditions of the permit, no shrimp or croaker may be sold from the vessel to anyone other than the licensed wholesale/retail seafood dealer listed on the permit during the closed shrimp seasons.~~ No person shall sell any shrimp or croaker taken under a special bait dealer's permit during the closed shrimp seasons from a vessel unless they possess a wholesale/retail seafood dealer's license or a fresh products dealer license and the fisherman has a signed trip ticket and records the amount of harvested bait for the entirety of the trip.

5. Signs which identify the vessel as working under the special bait dealer's permit shall be posted on the vessel. These signs shall be visible from either side of the vessel and from the air; the word "BAIT" and the permit number shall be placed on these signs in letters at least 12 inches high.

6. No more than two gallons of dead shrimp or croaker or combination thereof may be aboard the vessel while it is operating under the permit or selling bait. All dead shrimp or croaker or combination thereof in excess of two gallons must be immediately returned to the water. Shrimp or croaker dying in onshore holding facilities or tanks may be sold for bait use only.

7. Trawl and skimmer vessels operating under a special bait dealer's permit must adhere to a tow time, not exceeding, 15 minutes. Tow times are measured from the time the codend enters the water until it is completely removed from the waters. The net must be completely emptied of catch on the deck after the codend is removed from the water.

8. Except as provided in Paragraph 9, permitted gear is limited to one trawl not to exceed 25 feet along the cork line 33 feet along the lead line or two skimmer nets having

an individual net frame size not more than 16 feet measured horizontally or 12 feet measured vertically or 20 feet measured diagonally.

a. These are the only commercial fishing gears which can be used or carried aboard the permitted vessel while the vessel is operating under the permit; no other commercial fishing gear other than unserviceable crab traps as described in R.S. 56:322(G) may be on the vessel when it is being used under the special bait dealer's permit.

9. Notwithstanding any portion of this Section to the contrary, permitted gear when operating under the special bait dealer's permit is as follows:

a. one trawl measuring 50 feet long or less along the cork line and 66 feet long or less along the lead line. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

b. double skimmer nets may have an opening circumference of no more than 72 feet for each net and a maximum lead line length of 33 feet. Skimmer nets may be mounted to the horizontal net frame at any distance from the gunwale of the vessel as long as the mounting distance and horizontal length of the net frame does not exceed 20 feet from the gunwale. Mesh size must be at least 5/8-inch bar or 1-1/4 inches stretched and 3/4-inch bar or 1-1/2 inches stretched during the fall inshore shrimp season from the western shore of Vermilion Bay and Southwest Pass at Marsh Island to the Atchafalaya River.

c. the provisions of this Paragraph shall be effective until December 31, 2026.

10. Bait shrimp or croaker may be taken only from official sunrise to official sunset; however, the department at its discretion, may designate the areas and hours of night time operations under the permit provided permitted vessels are equipped with a working vessel monitoring system as described in LAC 76:VII.371.

11. Each time the permit is used the permittee must notify the department by contacting the Communications Section on the designated toll free telephone number provided on the permit and recording the confirmation number received. Before the vessel departs the dock under the permit, the department must be advised of the time of departure and the sub-basin code corresponding to the department's trip ticket sub-basin map in which trawling or skimming will take place; immediately after the permitted vessel returns to the dock the department must be notified of the time of return by contacting the Communications Section on the designated toll free telephone number provided on the permit.

12. The permittee shall maintain an up-to-date record of the activities conducted under the permit on forms provided by the department for that purpose. These records shall be kept onboard the vessel and made available for inspection by agents of the department upon request by said agents at any time and shall include the permittee's name and permit number, date, departure time, fishing location, gear used, confirmation number, return time, and number of live shrimp or live croaker harvested. All applicable record information shall be completed before fishing operations begin. In addition, any agent of the department shall be allowed to make an onsite inspection of any facilities or vessels operating under the permit, at any time. Nothing herein this Section shall exempt the permittee from trip ticket reporting requirements as provided for in R.S. 56:306.4.

#### D. Penalties

1. No person shall violate any provision of this Section. Violations of any provision of this Section shall constitute a class 4 violation as defined in R.S. 56:34.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3 and R.S. 56:497(C).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, and Wildlife and Fisheries Commission, LR 3:210 (April 1977), amended LR 15:867 (October 1989), LR 19:215 (February 1993), LR 23:86 (January 1997), LR 33:864 (May 2007), LR 36:77 (January 2010), LR 38:3250 (December 2012), LR 47:1651 (November 2021), LR 49:2118 (December 2023), LR 51:

#### **Family Impact Statement**

In accordance with Act 1183 of 1999 Regular Session of the Louisiana Legislature, the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission hereby issues 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.

#### **Provider Impact Statement**

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

#### **Small Business Analysis**

The proposed rule change is expected to have a positive impact on the small businesses that harvest live bait.



### **Public Comments**

Interested persons may submit written comments relative to the proposed Rule to Mr. Robert Bourgeois, Permit Manager - Biologist DCL-B, Research and Assessment Section, 2000 Quail Dr., Baton Rouge, LA 70808, or via email to [rbourgeois@wlf.la.gov](mailto:rbourgeois@wlf.la.gov) prior to September 1, 2025.

Kevin Sagrera

Chairman