

## **NOTICE OF INTENT**

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

#### **Passive Saltwater Hooked Fishing Gear Regulations (LAC 76:VII.389)**

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do hereby provide notice of their intent to promulgate a Rule to add marking, setting, and tending requirements to saltwater recreational and commercial passive hooked gear (LAC 76:VII.389). The rule is intended to provide consistency with similar freshwater regulations under LAC 76:VII.116 as these passive gears can drift across the designated saltwater-freshwater line in Louisiana. The proposed regulations are further intended to reduce the abandonment of gear in the waters of Louisiana.

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.

### **Title 76**

### **WILDLIFE AND FISHERIES**

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

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

#### **§389. Passive Saltwater Hooked Fishing Gear Regulations**

A. The Wildlife and Fisheries Commission hereby adopts the following regulations applicable to the use of yo-yos, trigger devices, trotlines, limb lines, jugs, and all other passive fishing devices containing a hook or hooks in saltwater areas of the state.

1. No more than 50 recreational yo-yos, trigger devices, trotlines, limb lines, or floating devices containing a hook or hooks shall be allowed per person.

2. At any given time, no person shall set more than 150 hooks on all recreational trotlines, combined.

3. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks, whether recreational or commercial, shall be clearly tagged with the fishing license number of the owner or user. Information must be attached with a waterproof tag or written directly on the device in indelible ink.

4. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks, whether recreational or commercial, shall be rebaited at least once every 24 hours, and all fish and any other animal caught, entangled, ensnared, or hooked, shall be immediately removed from the device.

5. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks, whether recreational or commercial, shall be removed from the waterbody immediately by the owner or user once the device is not being used in accordance with the provisions of this Section, except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock.

6. Where allowed, objects sourced from another location used to anchor yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks, whether recreational or commercial, which are driven into or attached to the water

bottom, a stump, tree, or the shoreline must be removed from the waterbody along with the passive devices by the user when not in use.

7. No driven or attached objects, where allowed, used to attach yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks, whether recreational or commercial, shall be larger than two inches by two inches or two inches in diameter.

8. No metal object which is driven into or attached, to the water bottom, a stump, a tree, or the shoreline shall be used to anchor yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks. A metal object may be used to anchor yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks if it is attached to a pier, boathouse, seawall, dock, or a retrievable anchor (that is not attached to the water bottom) as part of the typical construction of that structure or object.

B. A violation of any of the provisions of this Section shall be a class one violation, except there shall be no imprisonment. In addition, any device found in violation of this Section shall be immediately seized by and forfeited to the department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6, R.S. 56:8, and R.S. 56:320.

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**

Because most of the commercial fishers who may be affected by the restrictions on passive fishing devices probably qualify as small businesses, the proposed rule change may have a minor negative impact on small businesses.

### **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 written comments relative to the proposed rule to Jason Adriance, Department of Wildlife and Fisheries, P.O. Box 98000, Baton Rouge, LA 70898-9000, or via e-mail to [jadriance@wlf.la.gov](mailto:jadriance@wlf.la.gov) prior to July 31, 2024.

Brandon J. DeCuir

Chairman