

## **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 adding provisions that prohibit the waste of fishery resources and abandonment of menhaden purse seine gear during fishing operations or while at sea. This rule is being amended as a result of previous incidents of menhaden purse seine gear being intentionally released at sea and remaining unrecovered. 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 La. 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. – E. ...

F. No menhaden purse seine gear shall be abandoned while on the water or during the course of fishing operations. 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. All reasonable attempts shall be made to retrieve menhaden and any bycatch from the environment in the event that menhaden purse seine gear is lost, damaged, released, or abandoned.

2. Any unintentional or intentional release of purse seine gear or menhaden by the commercial reduction menhaden fishery into the waters of Louisiana shall be reported to the Enforcement Division within 2 hours of such release.

3. Violations of 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 waters within 48 hours of release of such gear shall constitute a commercial littering violation pursuant to La. 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.

### **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 5, 2023.

Joe McPherson

Chairman