

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Sharks and Sawfishes – Harvest Regulations (LAC 76:VII.357)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission does hereby give notice of intent to amend a Rule (LAC 76:VII.357) by removing the recreational daily size, bag, and possession limits of Blacktip and Bull Sharks from a minimum of 54 inches fork length to no minimum size limit for either species and from a bag and possession limit of 1 per person or 1 per vessel to no bag or possession limit for either species. Additional modifications to the rule prohibit the retention of Shortfin Mako Sharks in both the recreational and commercial fisheries and provide for an increase in the daily commercial trip limit from 45 to 55 sharks from the Large Coastal Species group while providing secretarial authority to adjust those commercial trip limits as deemed necessary.

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

§357. Sharks and Sawfishes – Harvest Regulations

A.-E.2. ...

F. Sharks taken under a recreational bag limit shall not be sold, purchased, exchanged, traded, bartered, or attempted to be sold, purchased, exchanged, traded, or bartered. A person subject to a bag limit shall not possess at any time, regardless of the number of trips or the duration of a trip, any shark in excess of the recreational bag limits or less than minimum size limits as follows.

1. All sharks taken under a recreational bag limit within or without Louisiana waters must be at least 54 inches fork length, except that the minimum size limit does not apply for Atlantic sharpnose, ~~or bonnethead,~~ blacktip, or bull sharks. ~~Male shortfin mako sharks must be at least 71 inches fork length and female shortfin mako sharks must be at least 83 inches fork length.~~ No sandbar or silky shark may be retained under a recreational bag limit.

2. Owners/operators of vessels other than those taking sharks in compliance with a state or federal commercial permit are restricted to no more than one shark from either the large coastal (except bull and blacktip sharks which shall have no bag limit), small coastal or pelagic group per vessel per trip within or without Louisiana waters, subject to the size limits described in LAC 76:VII.357.F.1, and, in addition, no person shall possess more than one Atlantic sharpnose shark and one bonnethead shark per person per trip within or without

Louisiana waters, regardless of the length of a trip. No sandbar or silky shark may be retained by persons fishing under these limits.

F.3.-H.1. ...

2. Persons possessing a commercial state shark permit but no federal shark permit shall not possess ~~on any one day, or~~ on any trip, or land from any trip, or sell, barter, trade, or exchange in excess ~~45~~ 55 sharks from the large coastal species group, taken from Louisiana state waters. Persons possessing a commercial state shark permit shall not possess any sandbar sharks unless they also have in their name and in possession a valid federal shark research permit under 50 CFR 635.32(1). ~~If the department is notified that the National Marine Fisheries Service has made an in-season adjustment to the daily federal possession limit, the~~ secretary of the department is authorized to adjust the daily possession limit of sharks from the large coastal species group as deemed necessary. ~~Such an adjustment of the daily possession limit shall not exceed 55 sharks from the large coastal species group.~~

H.3.-J.6. ...

K. Prohibited Species

1. No person shall take, possess, purchase, sell, barter, exchange or attempt to possess, purchase, sell, barter, or exchange any of the following species or parts thereof:

- a. basking shark—*Cetorhinus maximus*;
- b. white shark—*Carcharodon carcharias*;
- c. bigeye sand tiger—*Odontaspis noronhai*;
- d. sand tiger—*Odontaspis taurus*;
- e. whale shark—*Rhincodon typus*;
- f. smalltooth sawfish—*Pristis pectinata*;

- g. largetooth sawfish—*Pristis pristis*;
- h. Atlantic angel shark—*Squatina dumerili*;
- i. Caribbean sharpnose shark—*Rhizoprionodon porosus*;
- j. smalltail shark—*Carcharhinus porosus*;
- k. bignose shark—*Carcharhinus altimus*;
- l. Caribbean reef shark—*Carcharhinus perezii*;
- m. dusky shark—*Carcharhinus obscurus*;
- n. Galapagos shark—*Carcharhinus galapagensis*;
- o. narrowtooth shark—*Carcharhinus brachyurus*;
- p. night shark—*Carcharhinus signatus*;
- q. bigeye sixgill shark—*Hexanchus vitulus*;
- r. bigeye thresher shark—*Alopias superciliosus*;
- s. longfin mako shark—*Isurus paucus*;
- t. shortfin mako shark—*Isurus oxyrinchus*;
- ~~t.~~ u. sevengill shark—*Heptranchias perlo*;
- ~~u.~~ v. sixgill shark—*Hexanchus griseus*.

K.2.-O. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:6(10), R.S. 56:326(E)(2), R.S. 56:326.1, R.S. 56:326.3, R.S. 56:320.2(C), and R.S. 325.2(A).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 25:543 (March 1999), amended LR 27:2267 (December 2001), LR 30:1507 (July 2004), LR 35:705 (April 2009), LR 39:1062 (April 2013), LR 43:1188 (June 2017), LR 46:50 (January 2020), LR 48:2994 (December 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

The proposed rule change is expected to have a minor positive effect on the revenues of commercial fishers who harvest large coastal sharks and a negative effect on commercial fishers who harvest shortfin mako sharks as described in R.S. 49:965.2 through R.S. 49:965.8. Most of the commercial fishers who harvest sharks meet the characteristics of 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 by November 7, 2024.

Brandon J. DeCuir

Chairman