

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Derelict Crab Trap Removal Program
(LAC 76:VII.367)

Notice is hereby given in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., and through the authority granted in R.S. 56:332(N), that the Wildlife and Fisheries Commission proposes to amend LAC 76:VII.367 to temporarily close a portion of state inside waters to the use of crab traps in order to facilitate the removal of abandoned crab traps in these waters. These abandoned crab traps can cause navigational hazards, user-group conflicts, and cause stress on the state blue crab stock by continuing to fish after being abandoned or displaced. Traps are often displaced or abandoned due to storm and tidal movements, theft, captured in another fisherman's gear, or from having the floats cut by propellers. The removal of these traps is necessary to keep Louisiana's coast pristine and to facilitate improvement in the blue crab stock.

The Wildlife and Fisheries Commission has amended the provisions in LAC 76:VII.367 governing the locations of temporary crab trap closures to address problems in portions of state waters resulting from large numbers of abandoned and derelict crab traps (*Louisiana Register*, Volume 30, Number 1; Volume 31, Number 1; Volume 32, Number 2; Volume 33, Number 1; Volume 34, Number 1;

Volume 36; Number 1; Volume 38, Number 1; Volume 38, Number 12; Volume 40, Number 1; Volume 41, Number 1; Volume 42, Number 1; Volume 42, Number 12; Volume 44, Number 1; Volume 45, Number 2; Volume 45, Number 12; Volume 46, Number 11). The Wildlife and Fisheries Commission took action on August 5, 2021 to describe a new portion of state waters to be temporarily closed to the use of crab traps for the purpose of conducting a crab trap cleanup.

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 and final rule, including but not limited to, the filing of the Fiscal and Economic Impact statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 3. Saltwater Sport and Commercial Fishery

§367. Derelict Crab Trap Removal Program

A. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2022 through 11:59 p.m. February 14, 2022 within portions of Terrebonne Parish as described below:

1. from a point originating at the intersection of the eastern shoreline of Bayou Dularge and the southern shoreline of

Falgout Canal (29 degrees 24 minutes 42.57 seconds north latitude, 90 degrees 46 minutes 59.40 seconds west longitude); thence westerly along the southern shoreline of Falgout Canal to its intersection with Lake de Cade (29 degrees 24 minutes 51.57 seconds north latitude, 90 degrees 49 minutes 55.05 seconds west longitude); thence southwesterly along the eastern and southern shorelines of Lake de Cade to the northern shoreline of Bayou de Cade; thence southwesterly along the northern shoreline of Bayou de Cade to its intersection with Lost Lake; thence westerly and southerly along the northern and western shorelines of Lost Lake to its intersection with the western shoreline of Rice Bayou; thence southerly along the western shoreline of Rice Bayou to its intersection with Blue Hammock Bayou (29 degrees 18 minutes 19.26 seconds north latitude, 91 degrees 05 minutes 05.33 seconds west longitude); thence westerly along the northern shore of Blue Hammock Bayou to Four League Bay (29 degrees 17 minutes 43.49 seconds north latitude, 91 degrees 07 minutes 26.81 seconds west longitude); thence southerly along the eastern shoreline of Four League Bay to the mouth of Oyster Bayou; thence southerly along the eastern shoreline of Oyster Bayou to a point along the inside-outside shrimp line as defined in LAC 76:VII.370 (29 degrees 13 minutes 17.52 seconds north latitude, 91 degrees 07 minutes 45.76 seconds west longitude); thence easterly along the inside-outside shrimp line to the eastern shoreline of Bayou Grand Caillou; thence

northerly along the eastern shoreline of Bayou Grand Caillou to its intersection with the southern shoreline of the Tennessee Gas Pipeline (29 degrees 14 minutes 56.52 seconds north latitude, 90 degrees 48 minutes 17.97 seconds west longitude); thence northwesterly across Bayou Grand Caillou to the western shoreline of Bayou Grand Caillou (29 degrees 15 minutes 4.23 seconds north latitude, 90 degrees 48 minutes 27.57 seconds west longitude); thence northerly to the northern shoreline of the Tennessee Gas Pipeline Canal (29 degrees 15 minutes 5.55 seconds north latitude, 90 degrees 48 minutes 26.46 seconds west longitude); thence northwesterly along the northern shoreline of the Tennessee Gas Pipeline Canal to the eastern shore of Bayou Dularge (29 degrees 17 minutes 48.98 seconds north latitude, 90 degrees 52 minutes 23.57 seconds west longitude); thence northerly along the eastern shoreline of Bayou Dularge and terminating at its origin.

B. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 1, 2022 through 11:59 p.m. February 14, 2022 within portions of Iberia, St. Mary, and Vermilion Parishes as described below:

1. originating from a point on the northern shoreline of the Gulf Intracoastal Waterway where it intersects the Acadiana Navigational Channel (29 degrees 50 minutes 37.17 seconds north latitude, 91 degrees 50 minutes 32.40 seconds west longitude); thence to a point on the southern shoreline of the

Gulf Intracoastal Waterway (29 degrees 50 minutes 28.22 seconds north latitude, 91 degrees 50 minutes 35.30 seconds west longitude); thence southwesterly along the Acadiana Navigational Channel red buoy line to the red navigational marker number 12 on the Marsh Island shoreline near Southwest Pass (29 degrees 36 minutes 10.81 seconds north latitude, 92 degrees 00 minutes 17.16 seconds west longitude); thence easterly along the northern shoreline of Marsh Island to 29 degrees 33 minutes 51.30 seconds north latitude, 91 degrees 43 minutes 00 seconds west longitude; thence north along 91 degrees 43 minutes 00 seconds west longitude to the northern shoreline of West Cote Blanche Bay (29 degrees 44 minutes 21.17 seconds north latitude, 91 degrees 43 minutes 00 seconds west longitude); thence westerly along the northern shoreline of West Cote Blanche Bay to its intersection with the Ivanhoe Canal (29 degrees 45 minutes 03.58 seconds north latitude, 91 degrees 44 minutes 15.16 seconds west longitude); thence northerly along the eastern shoreline of the Ivanhoe Canal to its intersection with the Gulf Intracoastal Waterway (29 degrees 45 minutes 45.92 seconds north latitude, 91 degrees 44 minutes 20.76 seconds west longitude); thence north to the northern shoreline of the Gulf Intracoastal Waterway (29 degrees 45 minutes 52.14 seconds north latitude, 91 degrees 44 minutes 23.78 seconds west longitude); thence westerly along the northern shoreline of the Gulf Intracoastal Waterway and terminating at the origin.

C. The use of crab traps shall be prohibited for a 14-day period from 12:00 a.m. February 7, 2022 through 11:59 p.m. February 20, 2022 within portions of Jefferson, Lafourche, and Plaquemines Parishes as described below:

1. from a point originating at the intersection of the Gulf Intracoastal Waterway and the northern shore of Hero Canal (29 degrees 48 minutes 12.73 seconds north latitude, 90 degrees 04 minutes 09.21 seconds west longitude); thence westerly to a point along the western shore of the Gulf Intracoastal Waterway at 29 degrees 48 minutes 15.14 seconds north latitude, 90 degrees 04 minutes 18.67 seconds west longitude; thence southerly along the western shore of the Gulf Intracoastal Waterway to a point opposite the western shore of Bayou Perot (29 degrees 40 minutes 56.67 seconds north latitude, 90 degrees 11 minutes 36.79 seconds west longitude); thence easterly to a point on the western shore of Bayou Perot at 29 degrees 40 minutes 50.66 seconds north latitude, 90 degrees 11 minutes 25.48 seconds west longitude; thence southerly along the western shore of Bayou Perot and Little Lake to Bay L'Ours; thence westerly and southerly around the shoreline of Bay L'Ours to Brusle Lake; thence southerly and easterly following the shoreline of Brusle Lake to a point on the southern shoreline of Bayou De Chene at 29 degrees 29 minutes 14.83 seconds north latitude, 90 degrees 12 minutes 02.02 seconds west longitude; thence easterly along the southern shoreline of Bayou De Chene to

Round Lake (29 degrees 29 minutes 10.15 seconds north latitude, 90 degrees 11 minutes 38.40 seconds west longitude); thence southerly and easterly along the shoreline of Round Lake to a point on the western shoreline of East Fork Bayou L'Ours (29 degrees 28 minutes 52.30 seconds north latitude, 90 degrees 09 minutes 32.60 seconds west longitude); thence southerly along the western shoreline of East Fork Bayou L'Ours to a point at 29 degrees 27 minutes 35.00 seconds north latitude, 90 degrees 08 minutes 48.23 seconds west longitude; thence eastward along 29 degrees 27 minutes 35.00 seconds north latitude to the eastern shore of Wilkinson Canal (29 degrees 27 minutes 35.00 seconds north latitude, 89 degrees 57 minutes 04.11 seconds west longitude); thence northerly along the eastern shore of Wilkinson Canal to its termination; thence northerly to the western shore of the Mississippi River at 29 degrees 38 minutes 24.94 seconds north latitude, 89 degrees 57 minutes 01.21 seconds west longitude; thence northerly along the western shore of the Mississippi River to a point easterly of the northern shoreline of Hero Canal (29 degrees 47 minutes 09.60 seconds north latitude, 90 degrees 01 minutes 17.77 seconds west longitude); thence westerly to the northern shore of Hero Canal; thence westerly along the northern shore of Hero Canal and terminating at the origin.

D. The use of crab traps shall be prohibited for a 6-day period from 12:00 a.m. February 18, 2022 through 11:59 p.m.

February 23, 2022 within portions of Cameron Parish as described below:

1. from a point located where the north bound lane of Highway 27 intersects the northern shoreline of West Cove Canal at 29 degrees 52 minutes 00.52 seconds north latitude, 93 degrees 27 minutes 13.66 seconds west longitude; thence southwesterly along the north bound lane of Highway 27 to its intersection with the southern shoreline of West Cove Canal (29 degrees 52 minutes 00.17 seconds north latitude, 93 degrees 27 minutes 14.29 seconds west longitude); thence southeasterly along the southern shoreline of West Cove Canal to its intersection with the Calcasieu Lake - West Cove (henceforth known as West Cove) at 29 minutes 51 degrees 44.10 seconds north latitude, 93 degrees 26 minutes 36.26 seconds west longitude; thence southeasterly following the western and southern shorelines of West Cove to its intersection with the southern shoreline of the Calcasieu Pass West Fork (29 degrees 49 minutes 54.53 seconds north latitude, 93 degrees 23 minutes 15.81 seconds west longitude); thence southerly and easterly along southern shoreline of the Calcasieu Pass West Fork to its intersection with the Calcasieu Lake Ship Channel (29 degrees 49 minutes 13.82 seconds north latitude, 93 degrees 21 minutes 01.03 seconds west longitude); thence northerly to a point on the northern shoreline of the Calcasieu Lake West Fork (29 degrees 49 minutes 27.26 seconds north latitude, 93 degrees 20 minutes 59.79 seconds west

longitude); thence northwesterly along the northern shoreline of the Calcasieu Lake West Fork to its intersection with West Cove (29 degrees 49 minutes 45.45 seconds north latitude, 93 degrees 22 minutes 56.75 seconds west longitude); thence easterly along the southern shoreline of West Cove to the eastern shoreline of West Cove; thence northerly along the eastern shoreline of West Cove to the northern shoreline of West Cove; thence westerly and southerly along the northern and western shorelines of West Cove to its intersection with the northern shoreline of West Cove Canal (29 degrees 51 minutes 46.11 seconds north latitude, 93 degrees 26 minutes 35.43 seconds west longitude); thence northwesterly along the northern shoreline of West Cove Canal and terminating at the origin.

E. All crab traps remaining in the closed area during the specified period shall be considered abandoned. Crab trap removal regulations do not provide authorization for access to private property; authorization to access private property can only be provided by individual landowners. Crab traps may be removed only between one-half hour before sunrise to one-half hour after sunset. Department of Wildlife and Fisheries personnel or its designees are authorized to remove these abandoned crab traps within the closed area. All traps removed during a closed area are to be brought to the designated disposal area. The Wildlife and Fisheries Commission authorizes the secretary of the Department of

Wildlife and Fisheries to designate disposal sites and determine the final disposition of crab traps removed from the closure areas, including but not limited to disposal, buy-back, recycling, or returned to industry members participating in the retrieval of crab traps from within a closure area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:332(N).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission LR 30:101 (January 2004), amended LR 31:108 (January 2005), LR 32:266 (February 2006), LR 33:113 (January 2007), LR 34:97 (January 2008), LR 36:77 (January, 2010), LR 38:146 (January 2012), LR 38:3250 (December 2012), LR 40:96 (January 2014), LR 41:155 (January 2015), LR 42:70 (January 2016), amended by the Department of Wildlife and Fisheries, Office of Fisheries and the Wildlife and Fisheries Commission LR 42:2196 (December 2016), LR 44:100 (January 2018), LR 45:78 (January 2019), repromulgated LR 45:282 (February 2019), amended LR 45:1815 (December 2019), LR 46:1613 (November 2020), LR

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

This proposed Rule has no known impact on small businesses as described in R.S. 49:965.2 through R.S. 49:965.8.

Public Comments

Interested persons may submit written comments relative to the proposed Rule to Mr. Peyton Cagle, Marine Fisheries Biologist DCL-B, Marine Fisheries Section, 1213 N. Lakeshore Dr., Lake Charles, LA 70611, or via email to pcagle@wlf.la.gov prior to October 5, 2021.

Jerri G. Smitko

Chair

SUMMARY

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to the LA Department of Wildlife & Fisheries (LDWF) or local governmental units as a result of the proposed rule change. The proposed rule change would prohibit the use of crab traps in portions of eight parishes at different periods in February 2022. The proposed rule would establish four area closures in February banning the local use of crab traps in parts of Terrebonne Parish (February 1 through February 14, 2022), portions of Iberia, St. Mary, and Vermilion parishes (February 1 through February 14, 2022), portions of Lafourche and Plaquemines parishes (February 7 through February 20, 2022), and parts of Cameron Parish (February 18 through February 23, 2022).

The proposed rule change would also mandate the removal of crab traps from the designated areas by trap owners prior to the closures and authorizes LDWF or their designees, during the closure, to remove any crab traps within the closed area and transport them to designated disposal sites. LDWF will not incur additional costs in order to remove crab traps prior to these closures.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule change is not anticipated to have any impact on the revenues of the state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

Crab fishermen who utilize the areas proposed for closure will experience lost fishing time during the designated period and encounter additional costs to temporarily remove their traps. These crab fishermen must either move their traps to open fishing areas or remove their traps from the water for the duration of the closure. Traps that are not removed from waters in the closed areas within the allotted time may be destroyed, potentially creating an additional cost to replace the traps for noncompliant fishermen.

Local seafood dealers, processors and consumers may experience a slight decrease in the availability of fresh crabs during the closures, resulting in a slightly higher price for fresh crabs in the short term. However, the crab resource will not be lost or harmed in any way and will be available for harvest when the closed area is reopened.

The removal of abandoned crab traps should provide improved fishing and reduced fishing costs for recreational saltwater fishermen, commercial fishermen and individuals who operate vessels within the designated areas by reducing encounters with abandoned traps that often result in lost fishing time and damage to the vessel's lower unit or fishing gear. The removal of abandoned crab traps will reduce the mortality and injuries to crabs and by-catch that become ensnared and die in these traps, benefiting crab harvesters.

The overall impact of the proposed area closure is anticipated to be minimal because the closure would occur during the time of the year with the lowest harvests and adjacent waters will remain open for crab fishermen to continue to fish.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There will be a negligible effect on competition and employment as a result of the rule change, waters adjacent to the closure area will remain open for crab harvest and fishermen who fish during this time period are expected to relocate their traps to these areas.