

**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 modifying the allowable distance from the inside-outside line (described in R.S. 56:495) that the commercial menhaden fishery is allowed to operate statewide by restricting the fishery to operate within waters beyond 1/4 statute mile from the inside-outside line and 1/4 mile from the double-rig line as described in this rule. Further restrictions are proposed with no operations allowed within waters 1 statute mile seaward of the inside-outside line from the eastern shore of Belle Pass to the eastern shore of Caminada Pass (off of Elmer's Island), within waters 3 statute miles seaward of the inside-outside line from the eastern shore of Caminada Pass to the eastern shore of Barataria Pass (off of Grand Isle), and within waters 1 statute mile seaward of the inside-outside line from the eastern shore of Barataria Pass to the eastern shore of Pass Abel (off of West Grand Terre Island). This rule is being amended as a result of user conflicts between private recreational and charter boat anglers and the commercial menhaden fishery in the proposed areas where commercial menhaden fishing is being restricted.

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, and R.S. 56:326.3 to the Wildlife and Fisheries Commission.

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 the final rule, including but not limited to, the filing of the fiscal and economic impact statements, 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**

##### **§307. Menhaden Season**

A.-B. ...

C. The menhaden season shall apply to all waters 1/4 statute mile seaward of the inside-outside line described in R.S. 56:495, except as noted in Subsection D, including waters in the Federal Exclusive Economic Zone (EEZ), and in Chandeleur and Breton Sounds as described in Subsection E below. All other

inside waters and passes are permanently closed to menhaden fishing.

D. Coastal Buffer Restrictions

1. Restrictions off Elmer's Island, Louisiana. The menhaden season shall apply to waters beginning 1 statute mile seaward of the inside-outside line from the eastern shore of Belle Pass, Louisiana to the eastern shore of Caminada Pass, Louisiana.

2. Restrictions off Grand Isle, Louisiana. The menhaden season shall apply to waters beginning 3 statute miles seaward of the inside-outside line from the eastern shore of Caminada Pass, Louisiana to the eastern shore of Barataria Pass, Louisiana.

3. Restrictions off West Grand Terre Island, Louisiana. The menhaden season shall apply to waters beginning 1 statute mile seaward of the inside-outside line from the eastern shore of Barataria Pass, Louisiana to the eastern shore of Pass Abel, Louisiana.

4. Restrictions in Breton and Chandeleur Sounds. The menhaden season shall apply to waters beginning 1/4 mile seaward of the defined waters of Breton and Chandeleur Sounds as described in Subsection E below.

E. For purposes of the menhaden season, Breton and Chandeleur Sounds are described as that portion of the statutorily described inside waters as shown on a map by Raymond C. Impastato, P.L.S., dated July 20, 1992, and more particularly described as follows.

1. Beginning at the most northerly point on the south side of Taylor Pass, Latitude 29 degrees 23 minutes 00 seconds N, Longitude 89 degrees 20 minutes 06 seconds W which is on the inside-outside shrimp line as described in R.S. 56:495; thence westerly to Deep Water Point, Latitude 29 degrees 23 minutes 36 seconds N, Longitude 89 degrees 22 minutes 54 seconds W; thence westerly to Coquille Point, Latitude 29 degrees 23 minutes 36 seconds N, Longitude 89 degrees 24 minutes 12 seconds W; thence westerly to Raccoon Point, Latitude 29 degrees 24 minutes 06 seconds N, Longitude 89 degrees 28 minutes 10 seconds W; thence northerly to the most northerly point of Sable Island, Latitude 29 degrees 24 minutes 54 seconds N, Longitude 89 degrees 28 minutes 27 seconds W; thence northwesterly to California Point, Latitude 29 degrees 27 minutes 33 seconds N, Longitude 89 degrees 31 minutes 18 seconds W; thence northerly to Telegraph Point, Latitude 29 degrees 30 minutes 57 seconds N, Longitude 89 degrees 30 minutes 57 seconds W; thence northerly to Mozambique Point, Latitude 29 degrees 37 minutes 20 seconds N, Longitude 89 degrees 29 minutes 11 seconds W; thence

northeasterly to Grace Point (red light no. 62 on the M.R.G.O.), Latitude 29 degrees 40 minutes 40 seconds N, Longitude 89 degrees 23 minutes 10 seconds W; thence northerly to Deadman Point, Latitude 29 degrees 44 minutes 06 seconds N, Longitude 89 degrees 21 minutes 05 seconds W; thence easterly to Point Lydia, Latitude 29 degrees 45 minutes 27 seconds N, Longitude 89 degrees 16 minutes 12 seconds W; thence northerly to Point Comfort, Latitude 29 degrees 49 minutes 32 seconds N, Longitude 89 degrees 14 minutes 18 seconds W; thence northerly to the most easterly point on Mitchell Island, Latitude 29 degrees 53 minutes 42 seconds N, Longitude 89 degrees 11 minutes 50 seconds W; thence northerly to the most easterly point on Martin Island, Latitude 29 degrees 57 minutes 30 seconds N, Longitude 89 degrees 11 minutes 05 seconds W; thence northerly to the most easterly point on Brush Island, Latitude 30 degrees 02 minutes 42 seconds N, Longitude 89 degrees 10 minutes 06 seconds W; thence northerly to Door Point, Latitude 30 degrees 03 minutes 45 seconds N, Longitude 89 degrees 10 minutes 08 seconds W; thence northerly to the most easterly point on Isle Au Pitre, Latitude 30 degrees 09 minutes 27 seconds N, Longitude 89 degrees 11 minutes 02 seconds W; thence north (grid) a distance of 19214.60 feet to a point on the Louisiana-Mississippi Lateral Boundary, Latitude 30 degrees 12 minutes 37.1781 seconds N, Longitude 89 degrees 10 minutes 57.8925 seconds W; thence S60

degrees 20 minutes 06 seconds E (grid) along the Louisiana-Mississippi Lateral Boundary a distance of 31555.38 feet, Latitude 30 degrees 09 minutes 57.4068 seconds N, Longitude 89 degrees 05 minutes 48.9240 seconds W; thence S82 degrees 53 minutes 53 seconds E (grid) continuing along the Louisiana-Mississippi Lateral Boundary a distance of 72649.38 feet, Latitude 30 degrees 08 minutes 14.1260 seconds N, Longitude 89 degrees 52 minutes 10.3224 seconds W; thence south (grid) a distance of 32521.58 feet to the Chandeleur Light, Latitude 30 degrees 02 minutes 52 seconds N, Longitude 88 degrees 52 minutes 18 seconds W, which is on the inside-outside shrimp line as described in R.S. 56:495; thence southeasterly along the inside-outside shrimp line as described in R.S. 56:495 to the point of beginning.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:313, R.S. 56:6(25) (a), R.S. 56:315, and R.S. 56:326.3.

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 .

### **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, December 2, 2021.

Jerri G. Smitko

Chair

## SUMMARY

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

The proposed rule change will have no expenditure impact on state or local governmental units.

The proposed rule change prohibits the commercial harvest of menhaden in Louisiana territorial waters within close proximity of the inside-outside line statewide. The zone in which commercial menhaden harvests would be prohibited extends from the inside-outside line to  $\frac{1}{4}$  miles seaward of the inside-outside line for most of the state except for three portions in the central part of the coast. Between the eastern shore of Belle Pass and the eastern shore of Caminada Pass the prohibition zone stretches from the inside-outside line to one mile seaward of the inside-outside line. Between the eastern shore of Caminada Pass to the eastern shore of Barataria Pass, the prohibition zone extends from the inside-outside line to three miles seaward thereof. Between the eastern shore of Barataria Pass and the eastern shore of Pass Abel, the prohibition zone extends from the inside-outside line to one-mile seaward thereof between.

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

The proposed rule change is not anticipated to have an effect on revenue collections of the Louisiana Department of Wildlife and Fisheries from license fees. A potential reduction in menhaden harvesting and processing may result in an indeterminable decrease in state and local sales taxes and state income tax.

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

The proposed rule change is expected to reduce the receipts or income for commercial fishers and processors involved in the commercial harvest and processing of menhaden. The proposed rule change could accordingly reduce menhaden harvests by 0.2 percent to 4.2 percent or \$0.1 to \$2.9 million in dockside value. The reduction in landings would incur additional losses in value added among menhaden processors that cannot be assessed with the available information.

### IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

In the event that there is a reduction in the landings of menhaden, the proposed rule change may have a negative effect on employment in the commercial menhaden harvesting and processing sectors. The potential impact on employment cannot be predicted with the available information.