

NOTICE OF INTENT

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Passive Hooked Fishing Gear Regulations (LAC 76:VII.116, LAC 76:VII.134)

The Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission do provide notice of their intent to amend a Rule (LAC 76:VII.116) and repeal a Rule (LAC 76:VII.134) by modifying regulations regarding freshwater recreational yo-yos, trigger devices, trotlines, limb lines, jugs, and all other passive fishing devices containing a hook or hooks. Modifications to the existing Rule makes marking and use regulations regarding hooked passive devices uniform in all inland waters. Waterbodies with regulations regarding the prohibition of attaching or driving any object to fish a yo-yo or trigger device were moved from the repealed Rule (LAC 76:VII.134) into the amended Rule (LAC 76:VII.116). In all other waterbodies, non-metal objects can be used to fish passive hooked devices, but must be removed upon cessation of use.

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 1. Freshwater Sports and Commercial Fishing

§116. Freshwater Recreational Yo-Yos, Trigger Devices, and Trotlines, Limb Lines, Jugs, and all Passive Fishing Devices Containing a Hook or Hooks

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

1. No more than 50 yo-yos, or trigger devices, 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 trotlines, combined.

3. Each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks shall be clearly tagged with the name, telephone number, and 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 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. Except for those devices that are attached to a privately owned pier, boathouse, seawall, or dock, when not being used in accordance with the provisions of this

Paragraph, each yo-yo, trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks shall be removed from the waterbody immediately by the owner or user.

6. Where allowed and when not in use, 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, which are driven into or attached to the lake bottom, a stump, tree, or the shoreline must be removed from the waterbody along with the passive devices by the user.

7. No driven or attached objects used to attach yo-yos, trigger devices, trotlines, limb lines, jugs, or other passive fishing devices containing a hook or hooks 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 lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo trigger device, trotline, limb line, jug, or other passive fishing device containing a hook or hooks, except for a metal object used strictly in the construction of a pier, boathouse, seawall, dock, or a retrievable anchor not attached to the bottom.

9. In Black Lake, Clear Lake and Prairie Lake (Natchitoches Parish), Caddo Lake (Caddo Parish), Chicot Lake (Evangeline Parish), D'Arbonne Lake (Union Parish), Lake St. Joseph (Tensas Parish), and Lake Bruin, including the portion known as Brushy Lake (Tensas Parish), Louisiana, except for an object used strictly in the construction of a pier, boathouse, seawall, or dock, no object which is driven into the lake bottom, a stump, tree, or the shoreline shall be used to anchor a yo-yo or trigger device.

10. All trotlines shall have a cotton leader on each end of the trotline.

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 37:355 (January 2011), amended LR .

§134. Black Lake, Clear Lake, Prairie Lake, Caddo Lake, Chicot Lake, D'Arbonne Lake, Lake St. Joseph, and Lake Bruin

Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:326.3 and 56:6(32).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 38:2567 (October 2012), amended LR 39:3101 (November 2013), LR 47:497 (April 2021), repealed 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 written comments relative to the proposed rule to Robby Maxwell, Department of Wildlife and Fisheries, 1213 N. Lakeshore Dr., Lake Charles, LA, 70601, or via e-mail to rmaxwell@wlf.la.gov prior to July 29, 2022.

Joe McPherson

Chairman

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

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 does the following:

- (1) Places restrictions on recreational passive fishing devices containing hooks, such as yo-yos, trigger devices, trotlines, limb lines, and jugs, in all Louisiana freshwater water bodies, expanding regulations currently in place for Lake Lafourche to all freshwater water bodies in the state;
- (2) Requires the attachment of waterproof tags to all passive fishing devices. Tags may be written in indelible ink directly on the devices;
- (3) Requires that all devices be rebaited once every 24 hours;
- (4) Limits the number of passive fishing devices to 50 devices per person. It limits the number of trotline hooks to 150 hooks per angler. It requires the placement of a cotton leader on each end of all trotlines;
- (5) Prohibits the attachment of passive hook devices to any metal object except for metal objects above the water that are affixed to private piers, docks, houseboats, or other manufactured objects, except for retrievable anchors attached to the bottom. It prohibits the attachment of passive fishing devices to metal objects driven into or attached to water bottoms, stumps, trees, or shorelines. It limits the size of driven or attached non-metal objects used to attach passive fishing devices to two-inches by two-inches or two-inches in diameter;
- (6) Requires the removal of all passive fishing devices and all related materials when the devices are not in use; and
- (7) Consolidates existing rules regarding passive fishing devices for Black Lake, Clear Lake, Prairie Lake, Chicot Lake, D'Arbonne Lake, Lake Saint Joseph, and Lake Bruin into a single section of Title 76.

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

The proposed rule change is anticipated to have no effect on revenue collections of state or local governmental units.

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 benefit anglers, waterfowl hunters, and other boat operators and passengers who participate in waters where passive fishing devices are being used. The prohibition on metal objects driven into water bottoms and shoreline objects is expected to remove potential physical hazards to persons operating or riding in vessels on water bodies across the state. The prohibition on leaving gear deployed while not in use is intended to remove potential hazards, increase safety, and reduce harm to fish and wildlife.

The proposed rule change may negatively affect some fishers who use passive fishing devices, especially those who have installed devices attached to metal objects. The limitation on the number of hooks per device may reduce harvests for fishers whose devices currently feature more than 50 hooks. The requirement to check devices daily and the requirement to remove devices that are not actively being used may increase labor requirements and thus operating costs for some fishers. The number of fishers who may be affected by these proposed restrictions cannot be assessed with the available information.

The proposed requirement to attach waterproof tags to passive fishing devices may result in a minor increase in costs for fishers.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule change is anticipated to have no impact on competition and employment in Louisiana.